Manager's Handbook

United States
Office of
Personnel
Management

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Mel R. Sharar

Memo to Managers

The Federal manager holds the key to successful agency performance. In your management of people, you will be operating under many old and many improved or new rules stemming from the Civil Service Reform Act of 1978. None of the changes will have real meaning until managers, dealing with people as well as programs, translate the rules into working relationships. Life as a Federal manager is not easy, and civil service reform will not automatically make it any easier. But, the reforms give you a new authority to set your own goals, measure employee strengths and weaknesses and, based on your judgment of those factors, to reward or discipline those you manage.

As the communication link between employees and top management, you will be setting the tone for your unit and providing the environment in which the reforms must be made to work. You will be bringing to your subordinates not only the substantive contents of the reforms, but an understanding of how and why they must be made to work.

The introduction of new and meaningful evaluations will allow you to identify and reward good performers and remove or retrain non-performers. You will be making judgments which will determine, to a greater degree than ever before, the likelihood of advancement and the speed of that advancement for your employees, along with critical decisions affecting reassignment, training, and even demotions or dismissal. It is a big responsibility.

You have been given a new opportunity and a new challenge. To meet it, you need broad knowledge of the Federal personnel system. This handbook describes the general rules, the basics of the new authority. How you apply those rules will ultimately determine their effectiveness.

The civil service reforms will improve efficiency and effectiveness in government, and thus will help restore public trust in government and increased confidence in its employees. That is an important goal. It can only be reached with your understanding and help.

Alan K. Campbell
Director,
Office of Personnel Management

Yes, You Can!

There are concerns, problems and complexities that make the job of every Federal manager difficult. Yet, I am convinced that we now have the tools we need to manage and to manage well.

You can provide several types of major financial incentives, even before merit pay is fully implemented. You can be involved in setting work standards and the establishment of an evaluation system to measure how well those standards are met. You can make dozens of decisions and solve problems at the local level without much of the previously required reviews by headquarters. You can, under the reform and other new laws, use part-time personnel more extensively and effectively, and you have the option to use a wide variety of flexible work-hour arrangements.

This handbook is designed to outline for you what you can do and to make it easier for you to do it. It is a composite of the questions, suggestions and recommendations of hundreds of working managers like you.

Complete as it is, the handbook information must be supplemented by agency guidelines since much personnel decision authority has been delegated to the agencies.

We are indebted to the chapter writers who explored, wrote and rewrote and considered hundreds of pages of comment with infinite patience. We are sure you will use the result of their efforts to move us closer to our goal of efficient and effective management of government programs.

Jule Sugarman
Deputy Director
Office of Personnel Management

User's Guide

Most of the material in this handbook is based on law, regulation, and administrative procedures which provide the framework for personnel management in the Federal Government. Where appropriate, a primary reference is given at the beginning of each chapter to indicate where you will find more detailed information within the Federal Personnel Manual System which is explained in Chapter 16. In addition, footnotes and selected bibliographies will aid the reader who seeks further information on a specific aspect of personnel management.

The handbook was prepared by the Office of Personnel Management as part of the effort to implement Civil Service Reform. Since dynamic changes are occurring in all aspects of personnel management, OPM intends to revise and republish this handbook in the summer of 1980. It is recognized that in this first attempt to provide an informative, useful guide for Federal managers and supervisors, some areas of interest may have been left out. It is hoped that those who obtain a copy of the first edition will provide suggestions and ideas for improving it. Written comments should be addressed to:

Office of Personnel Management
Manager's Handbook
P.O. Box 14047
Washington, D.C. 20044

In order to be considered for inclusion in the revised version, comments should be received no later than April 30, 1980.

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1

Getting the Right Person for the Job

***Chapter 1* Highlights**

What choices does a Federal manager have in filling positions?

How are candidates ranked and selected?

What alternatives are there in the hiring process?

What about filling jobs with current employees?

What happens in a reduction-in-force?

Basic Reference: FPM Chapters in the 300 Series

As a Federal manager, staffing decisions are among the most important you will make. How well the Government functions depends largely on its employees, and efficient staffing planning will help you achieve your agency's goals. Contrary to some beliefs, the Federal personnel system gives you a wide choice of methods to fill your positions. You can: *promote* or *reassign* employees already working in your agency; *transfer* employees from other Federal agencies; *reinstate* former Federal employees; *convert* persons currently employed under excepted authority appointments; or *hire* new employees from outside the Government. Tapping a mixture of recruiting sources will help you get the right people for your positions. Depending on your agency's policies you may be able to use more than one source at the same time, e.g. an internal promotion certificate and an OPM register.

One of the things that most annoys managers is the length of time it takes to fill a position. There are several things you can do to reduce that time.

1. Whenever possible anticipate vacancies and start recruitment well in advance.
2. Know all the steps that must be accomplished including budget and ceiling approval. Try to accomplish steps simultaneously rather than sequentially. Stay in touch with the paperwork so that it doesn't get stuck on somebody's desk.
3. Help the personnel office by doing drafts of Position Descriptions and Qualification Requirements. That way they'll really know what you want and easily make any needed technical changes. (Chapter 2)
4. Establish a realistic timetable for each action and hold people to it.
5. Make sure you and your staff have set aside the time you'll need for reviewing applications and interviewing.

Principles of Open Competition—For the first time, merit system principles for filling Federal jobs are written in law. In staffing, the Civil Service Reform Act of 1978 requires that you:

- Recruit qualified people to achieve a workforce that fairly represents our society.
- Select and promote on the basis of relative knowledge, skills, and abilities.

- Use fair and open competition to assure equal opportunity.

These principles apply whether you are hiring from the outside or promoting from inside.

Hiring from Outside

Both competitive and excepted appointments can be made from sources outside of Government. Because the competitive appointment process is not too well understood, it is described in some detail in this chapter. Where the Office of Personnel Management's (OPM) role is discussed, you should be aware that OPM may delegate to your agency the authority to conduct a competitive examination if it is the only agency in a geographic area which fills a certain type of position, if the position has very specialized requirements, or if you can show that you can do it more economically and efficiently and still follow merit principles. Greater agency involvement will result from the Civil Service Reform Act. If your agency has or gets examining authority, just substitute it for OPM in the following information and you will have a basic understanding of how the system works. We anticipate that in the not too distant future, virtually all higher level and professional positions filled from outside the Government will be filled through agency efforts.

Recruiting—Based on the projected needs of many agencies, OPM uses announcements, recruiting bulletins, consolidated job listings, or similar notices to invite interested and qualified persons to apply. Agencies also can conduct recruiting activities to get applicants, and may be so required to insure equal employment opportunity for "underrepresented" groups under the Federal Equal Opportunity Recruitment Program. (Chapter 10) Agencies should coordinate recruitment efforts with the examining office and check lists of eligibles, before actually recruiting candidates. Depending on the positions covered and the labor market, an examination may be local, regional, or national. It may be for a single occupation and grade level, for a few related occupations at a few grade levels, or for several hundred types of jobs at many grades. Opening and closing dates for examinations are set according to anticipated hiring needs, and to allow enough time to give qualified, interested persons a chance to apply.

Types of Examinations—There are two examining methods used. *Assembled* exams require that applicants take written and/or performance tests to demonstrate potential for successful job performance. *Unassembled* exams provide for ratings based on experience, education, training, and other job-related achievements described by the applicants. Some exams provide for a combination of assembled and unassembled procedures.

Anticipating Staffing Needs—Names of qualified candidates are kept on registers established and maintained on the basis of anticipated needs and past experience. Therefore, registers don't always exist for all positions and grades. To speed filling your positions, it's to your advantage to advise your agency personnel office as soon as you become aware of an impending vacancy so recruiting and other procedures can begin. Where agencies have been delegated examining authority to fill a specialized type of position, the register is discontinued as soon as that job is filled.

How Applications Are Processed—The examining office first screens for minimum qualifications. For competitive appointments, and certain excepted appointments, qualification standards approved by OPM are normally applied. Applicants meeting minimum requirements, including any approved "selective factors" are considered eligible. They then are ranked on their relative qualifications based on experience, training, education, test scores, or other evaluation devices (or a combination) and are assigned ratings from 70 to 100. The second part of this process in unassembled examinations—ranking—usually is deferred until an agency is ready to fill a specific job.

Veterans Preference—Eligible applicants, with veterans preference, have points added to their ratings. In general, non-disabled veterans get five extra points, and disabled veterans (and certain other eligibles whose preference is derived from the veteran status of a deceased or disabled veteran) get 10 points. Disabled veterans who get 10 percent or more disability compensation "float" to the top of referral lists, except for scientific and professional positions (jobs for which there are minimum educational requirements) at grades GS-9 and above.

Ranking Candidates—In examinations for which candidates are rated upon receipt of their applications, eligible applicants are placed on "lists of eligibles" or "registers" in order of rating, with disabled veterans at the top as explained. In "deferred rating" examinations, candidates are not assigned numerical ratings until a Federal agency requests a list of eligibles for a specific job.

Certification—When you wish to consider outside candidates for your job vacancies, ask your personnel office for a list of eligible candidates (certificate) from the appropriate examining office. If you need special qualifications, you may request selective or quality ranking factors when you ask for a certificate. This helps identify the best candidates. You'll need to show that these factors relate to the duties of the position. Your personnel office will need to justify using them when asking for the certificate.

- *Selective factor*—knowledge, skill, or ability necessary to do the job. Those on the list who don't have it are not referred to you. For example, if the ability to communicate in Spanish is necessary for an employee to explain benefits to the public, this might be a legitimate selective factor.
- *Quality ranking factor*—knowledge, skill, or ability which is desirable but not essential. Candidates who have it will more likely succeed on the job and are given extra credit. For instance, a background in computer programming might be beneficial in an accounting job in an agency with an automated accounting system. If programming knowledge would be an asset and its use as a quality ranking factor can be supported by the job description, the factor would be approved.

Candidates on the certificate you receive will have already been ranked according to the requirements of the examination and approved selective or quality ranking factors.

Name Requests—These permit you to identify outstanding candidates who come to your personal attention and ask that they be referred to you for consideration. Individuals requested by name must meet qualification requirements for the job and must compete with all other qualified and available candidates. A name request may be made only if the examination is current-

ly open or the candidate is already on the appropriate list of eligibles. Persons who are name requested are more likely to be referred to you on a certificate of eligibles for high level professional, technical, or administrative positions (where special knowledges and skills are required) than on a certificate for entry-level positions.

Selection—For each vacancy, you may select any one of the top three available candidates on the certificate, except you can't pass over a veteran to select a lower ranking nonveteran without OPM approval. Compensably disabled veterans with service-connected disabilities of 30 percent or more must be given written notice and an opportunity to respond to a proposed passover. OPM makes the final decision on whether the passover should be permitted. Agencies may submit "objections" to eligibles referred to them on a certificate if they have information which shows that applicants are not qualified for the job, based on suitability, availability, performance in an interview, conflict of interest, or other factors. An objection must be sustained by OPM (or agency with delegated authority) before an individual may be eliminated from consideration.

Probationary Period—New Federal employees normally serve a one year probationary period, which is considered an extension of the examining process. This gives you the opportunity to evaluate on-the-job performance and permits you to separate an employee who fails to demonstrate competence on the job.

Alternatives to Regular Career Staffing—These procedures deal with the normal process for filling full-time, permanent career jobs from outside sources. There are a variety of alternatives, some to cover particular job requirements, and others to fulfill mandates of the law.

Temporary Limited Appointments—These are used to fill jobs that will last for a year or less. They may be made from competitive registers or under authority delegated to your agency by OPM. Temporary appointments cannot be used to fill permanent positions, though temporary employees can be converted to career or career-conditional permanent appointments in the same agency if they come off a register. Agencies can ask OPM to determine if employees they wish to convert can

be "reached." Temporary employees should be encouraged to file in competitive examinations if they want permanent employment.

Term Appointments—These are used to fill positions to carry out a project lasting from one to four years. They may be made from competitive registers or under delegated authority.

Part-Time Employment—Agencies are required to have programs expanding part-time career employment opportunities. Starting October 1, 1980, part-time employees will be counted toward personnel ceilings based on the number of hours they work. For example, two 20-hour-a-week employees count as one full-time employee. Use of part-time employees can increase productivity, reduce overtime and help you meet affirmative action objectives. (Chapter 10) Appointments can be made from competitive registers, conversion from full-time employment, reinstatement, or other means.

IPA Mobility Assignments—The Intergovernmental Personnel Act mobility authority provides for temporary assignment of employees between Federal agencies and State, local, and Indian tribal governments, educational institutions, and certain other organizations. Assignments may be full-time, part-time, or intermittent and may be made by detail or temporary excepted appointment. They can be made for up to two years, and extended by an agency head for two additional years.

Employment in the Excepted Service—A position may be excepted from competitive service in one of three ways: by law, by Executive order, or by OPM action. Positions excepted by OPM action are placed in one of three schedules:

- *Schedule A* is for positions for which it is impractical to hold any examinations and which are not confidential or policy-determining. Schedule A includes such positions as teachers in dependent school systems overseas, faculty members of the military service academies, drug enforcement agents for undercover work, and certain part-time jobs at isolated localitites. In addition, because OPM is forbidden by law to spend money for examining attorneys, they also are placed in Schedule A.
- *Schedule B* is for positions for which competitive

examinations are impractical, but candidates must pass a *noncompetitive* examination. Examples are student trainee jobs established in connection with a cooperative education program.

- *Schedule C* is for positions which are policy-determining or involve a close personal and confidential relationship between the incumbent and a key policy-making offical. Schedule C contains key jobs which should be filled by the current Administration with persons who will fully support the President's political aims and policies, as well as the positions of secretaries, special assistants, and other members of the immediate staffs of key officials. No examination is required for appointment to Schedule C jobs, and agencies determine their own qualifications.

Cooperative Education—Work-study programs for high school, college, and graduate students are particularly effective in study-related technical fields. Agencies have authority to hire without OPM involvement and may convert participants in college-level work-study programs to career-type appointments noncompetitively.

Veterans Readjustment Appointments (VRA)—Vietnam veterans can be appointed to jobs in grades up through GS-7, or WG-7 (or equivalent under other pay systems), and later converted to permanent employment without OPM approval. To be eligible, a Vietnam-era veteran must generally have no more than 14 years of schooling, though this restriction does not apply to disabled veterans.

Selective Placement—Affirmative action for handicapped individuals and disabled veterans is required by law. (Chapter 10) Emphasis is on eliminating artificial barriers to employing the handicapped, and job restructuring. For example, agencies may employ a reader or interpreter to assist a blind or deaf individual. Agencies have authority to hire handicapped persons without OPM approval. Agency selective placement coordinators can assist you in recruiting and employing handicapped individuals.

Presidential Management Intern Program—This program was established to attract men and women of exceptional

management potential into Government service. It provides for hiring 250 outstanding individuals each year who have completed graduate study with concentration in public management. Initial appointments are at GS-9, with later promotion to GS-11. Interns may be converted to competitive service positions after two years of satisfactory service.

Uniform Guidelines on Selection Procedures—To aid in achieving equal employment opportunity, Uniform Guidelines on Employee Selection Procedures were adopted in 1978. They apply to Government and private employers and cover the use of the following selection devices and procedures:

- Review of experience and education from application forms.
- Work samples.
- Physical requirements.
- Evaluations of performance.
- Written tests.
- Performance in training or probationary periods.

If a selection procedure results in disproportionately low employment of a particular racial, sex, or ethnic group, i.e., has "adverse impact," OPM, your agency, or both must justify the procedure under technical validity standards, or change the procedure to remove the adverse impact. Training on the Guidelines is available, and it might be a good idea to familiarize yourself with the requirements in general. Contact your personnel, training, or EEO office for more information. (Chapter 10)

Hiring from Within

Agency employees, those of other agencies, and former employees provide you with other major sources of candidates for jobs. Your right to select from any appropriate source is protected by law in Title VII of the Civil Service Reform Act.

Promotions—In filling jobs through promotions, you must follow your own agency's promotion plans. Agencies have wide latitude in designing their plans, subject only to five basic OPM requirements:

- Promotions must be based on merit.
- Agencies must recruit broadly enough to assure high quality candidates.

- Evaluations must be valid and job-related.
- Management retains the right to select or not select from any appropriate source.
- Agencies must keep records of promotion actions and provide necessary information to employees and the public.

Beyond these requirements, OPM also provides written guidance on evaluating employees for promotion, including how to validate evaluation procedures to make sure they are job related.

Exceptions—The only exceptions to the basic requirements are when a promotion results from correcting a classification error or applying a new classification standard, or when the employee previously competed for an assignment intended to lead to a higher grade position. This is called career promotion.

Agency Merit Promotion Plans—These plans establish procedures for filling jobs by promotion, and explain how complaints regarding individual promotion actions are resolved. Each agency has considerable discretion in developing a plan or plans to meet its individual needs. An agency may have different plans for different kinds of positions, or for different geographic locations. All plans are available in writing to managers and employees. Agencies develop their plans in consultation or negotiation with employee organizations recognized as appropriate bargaining agents. (Chapter 11) Consultation/negotiation can include, with some exceptions, types of actions covered, how candidates are recruited, makeup of promotion panels and how candidates are ranked. Because these plans involve management's ability to get the job done, you should have substantial input in developing them.

Employee Complaints—Employees may file complaints involving promotions either under the agency grievance system or under a negotiated grievance system. Employees may *not* file a grievance based solely on not being chosen from a group of properly ranked candidates (e.g., because they feel they are better qualified than the person selected). Non-promotion is not appealable to the Merit Systems Protection Board. But they can file an EEO complaint if they feel they were discriminated against. (Chapters 8 and 11)

Evaluating Candidates—Your personnel office initially screens all applications to make sure they meet the minimum qualifications. All basically qualified applicants are then ranked, often by a panel of employees familiar with the job being filled. This panel evaluates applicants against factors you have specified as critical or desirable to the job. Veterans preference *does not* apply in promotions. You then get a list of the best qualified candidates and can choose any one of them—or fill the job from other sources.

Reassignment—Moving an employee to another position in the same agency at the same grade is not subject to merit promotion requirements, unless the new position has higher promotion potential. (The promotion potential of a position is the journeyman or full-performance grade.) Reassignment can be voluntary or involuntary.

Demotion—Moving an employee to a lower grade position in the same agency is not subject to merit promotion requirements, unless it has higher promotion potential than the old job. If demotion is involuntary, the agency must use either adverse action (Chapter 7) or reduction-in-force procedures.

Transfer—An employee can move from one agency to another, either at the same or lower grade, or via promotion. If no promotion is involved, it isn't subject to merit promotion requirements. The transfer must be voluntary.

Reinstatement—Former Federal employees can be reemployed either at the same or lower grade, or at a higher graded position. Unless the new position is at a higher grade than the last one held, merit promotion requirements don't apply. Only persons who previously served in a permanent position in the competitive service are eligible for reinstatement. There's no time limit on reinstatement eligibility for veterans and for persons who have completed at least three years of substantially continuous service. Others may be reinstated only within three years of their separation. Certain types of intervening service may extend this three year limit.

Interviews—In almost all cases, you will be interviewing can-

didates before you make a choice. Here are some helpful hints:

- Interviews are used to get more information about candidates' qualifications and to give them information about the agency, the job, career development opportunities, working conditions and benefits.
- Ask about the candidate's experience, education and training, abilities, achievements, and interests, but *not* about their race, political affiliation, or religious beliefs. Also, avoid questions about the spouse, child-care arrangements, and other matters not related to the job.
- Don't discuss your personal prejudices or imply that you're interested in a particular candidate to improve your EEO "score."
- It is illegal to influence a candidate to withdraw from competition to improve or insure employment prospects of other candidates.
- Your personnel office will tell you if a written record of the interview is required. If not, informal notes can help you remember strengths and weaknesses of candidates you interview and help you make the best selection possible.

Reduction-in-Force

A reduction-in-force (RIF) will test the strength of any manager. There is no way to make it painless, but a good manager will insure it is carried out fairly, and will keep employees as well informed as possible to minimize the adverse effect on morale. With few exceptions, when you separate (lay off) or demote employees because of lack-of-work or funds, or because of the need to reorganize or geographically transfer functions, you must follow certain procedures. The rules apply even if there is no cutback in the total number of agency employees. (Chapter 5)

Retention Registers—OPM procedures explain how affected employees are to be grouped, and then ranked within each group. The rights of affected employees when you move, change, or close their offices depend directly on their relative standing on the retention register, which is developed as follows:

- Define the area or areas within or between which you intend to make changes. This is usually a self-contained organization within a commuting area; like a bureau, a field office or a departmental headquarters.
- Within each of these commuting areas, list all jobs similar in work and pay grade so that you have a separate list for each block of similar jobs. For example, within a defined area you would probably place all the budget officer jobs in the same grade on the same list, but you would not place a personnel officer job there. Personnel officer jobs would go on their own list.
- On each of these lists, arrange the names of the employees assigned to the jobs according to their types of appointments. For example, group career employees at the top, and temporary employees at the bottom.
- Within each of these groups, list 30 percent disabled veterans first, other veterans next, and nonveteran employees last.
- Within each of these veteran/nonveteran subgroups, rank employees according to length of service; those with the longest service at the top to those with the least at the bottom.
- Employees with current performance ratings that are better than acceptable may have credit added to their length of service in this ranking process. Employees with current unacceptable performance ratings are not ranked at all. They are not handled through RIF procedures.

For example, suppose you consolidate three offices, each with a budget officer at the same grade, and you need only one budget officer at that grade in the new office. The employee who ranks at the top of the list as a result of the RIF procedures must be placed in the job in the new office. The other two may be assigned to other jobs for which they qualify (if such jobs are held by employees with lower standing on the retention register) or may under certain conditions be separated. If they are retained, they may retain grade and pay. (Chapter 5)

Moving to Another Location—When you move an office from

one place to another, one of several things can happen to employees, depending on whether they agree to transfer. If an employee refuses to transfer: (a) he or she may become subject to RIF procedures in the old office, if that office has to reduce staff as a result of the transfer; or (b) he or she may be separated without benefit of RIF procedures when you file an "adverse action." (Chapter 7)

Issuing Notices—You must inform affected employees at least 30 days before the date set for final action. You may first give them a general notice that they are likely to be involved, and later give them specific notice. Or you may simply give them specific notices. If you issue a general notice first, the employee must receive the specific notice at least five working days before the date set for action.

Appeals—Employees may appeal to the Merit Systems Protection Board (MSPB), if they believe that you did not follow RIF or adverse action procedures regulations. (Chapter 8)

Helping Employees Find Other Jobs—You should start to help employees scheduled to be separated as soon as they are informed of the RIF. Unless they have refused an offer at their present grade and salary, their names go on a reemployment priority list for one or two years, depending on the circumstances. During that time, your agency must consider them for any vacancies in the commuting area for which they qualify, unless they get a permanent job in the competitive service or lose their eligibility for appointment. In addition, employees may get special job consideration by applying under OPM's Displaced Employee Program. Employees must apply through their agency, preferably before being separated, but not more than 90 days after separation. This assistance ends when an employee gets a permanent competitive job or otherwise loses eligibility. Your agency may also train displaced employees for jobs that are known to be available to them in other agencies. Finally, if the reduction-in-force affects five percent or more of your agency's employees, OPM can authorize "early out" retirement for employees with 25 years of service at any age, or with 20 years of service and who are 50 years old or older.

Questions and Answers

1. Q. My group's workload keeps rising, but I can't get any more full-time ceiling spaces. What can I do to reduce the backlog and ease the pressure on my people?
   A. There are several ways to get extra help. For example, if your heavy workload is related to a temporary progam or project, you might hire temporary or term employees. If you have substantial fluctuations in workload, consider seasonal or intermittent employees, having employees detailed from other units, or using overtime. If none of these avenues is available, you'll need to set priorities to assure that the most important work is done first. If this is necessary, tell your employees what the priorities are.

2. Q. I need someone with special expertise not available in my agency to help out on a technical project of limited duration. How can I get this kind of assistance?
   A. Your requirements may allow you to employ an expert or consultant. Under certain circumstances, you can appoint such individuals on a temporary or intermittent basis when you need special opinions or advice from outside Government. Agencies can now employ experts and consultants without OPM approval. You may be able to borrow a skilled employee on detail from another Federal agency or on a short-term assignment under the Intergovernmental Personal Act mobility program.

3. Q. We can't seem to get and keep enough clerical staff. There is apparently a shortage in this area, but other agencies seem to get the help they need. What can I do?
   A. The key to staffing jobs in shortage situations is to be able to cut to a minimum the time it takes between the first contact with an available applicant and the date when he can start working. There are several things you can do to get your share of qualified people:
   — Request direct-hire authority if you don't already have it. This let's you make immediate job offers to

qualified candidates. They can usually start work in a few days.
- —Find out if you have (or can get) authority to hire people who already have ratings at or above a certain score. This permits you to hire anyone with at least that score.
- —Request hiring authority "outside the register." Your agency processes applications under an Applicant Supply System according to priority groups, rather than numerical ratings, with disabled veterans in the top priority group.
- —Use paid advertising to attract applicants in shortage situations.
- —Contact local high schools and/or business schools, senior citizens groups, and other outside organizations. (Q. 5, Chapter 6)

4. Q. How can I get around those "freezes" when I have a critical vacancy to fill?
   A. Exemptions are sometimes granted to fill *critical* vacancies during "freeze" periods. Check with your personnel office to see if you can get an exemption.

5. Q. My staff of technicians requires long on-the-job training before they are competent. Yet, when one leaves, I can't replace the employee for months, and then its' several more months before the replacement is "up to speed." How can I hire an employee before the incumbent actually leaves?
   A. If you know in advance that one of your employees will be leaving, notify your personnel office right away. You can submit a Standard Form 52, Request for Personnel Action, to start recruiting for the anticipated vacancy. The job can be advertised and a certificate of eligibles requested from the examining office *before* the position is vacated. This will speed the referral of candidates to you, and you may be able to select a new employee before the old one leaves. (Q. 6, Chapter 4)

6. Q. How does rating eligible candidates differ from determining basic eligibility?

A. In determining basic eligibility, an agency considers only whether a candidate meets the *essential* requirements for the job. In ranking basically eligible candidates, an agency considers the degree to which the candidate possesses those factors *desirable* for superior job performance, i.e., not essential for doing the job but which help an employee do it better.

7. Q. Is there a limit on how many candidates may be referred to a selecting official on a merit promotion certificate?
   A. Each agency sets its own minimum and maximum. You should get enough candidates to make a sound choice but not so many as to make the process onerous or meaningless. The important thing is that the candidates you get on the list are clearly superior to others.

8. Q. May I select an outside candidate when there are equally well qualified candidates within the agency?
   A. Yes. Agency employees need not be given preference. But, an agency should always be aware of its employees' capabilities and assure that they are receiving fair consideration.

9. Q. Why shouldn't I, as the selecting official, or someone from my office, be able to rank applicants for our vacancies?
   A. Subject-matter experts are sometimes used on rating panels, particularly for technical jobs. However, selecting officials are generally excluded to assure objectivity of the evaluation. You can help the rating panel by providing as much information as possible about the job requirements, such as selective and quality ranking factors. The more aware raters are of your needs the more likely the candidates referred to you will be well qualified for your jobs.

10. Q. I'm recruiting to fill a vacancy, and the list of "eligibles" is worthless. I asked for a second list and the candidates were almost as bad. How can I get some good people to consider for the job?
    A. Maybe you haven't supplied enough information about the job for candidates to be screened and ranked

properly. Use selective and quality ranking factors when they will be helpful. Get more involved in recruiting. If you know of good candidates tell them to apply. Use a "name request" when you find good people outside Government. Be creative in identifying and using new recruiting sources.

11. Q. May an employee file a complaint about not being selected?
    A. An employee may *not* file a formal complaint about not being chosen from a group of properly ranked and certified candidates (e.g., because he felt he was better qualified than the person selected). But he *can* file a grievance if he feels improper procedures were followed, or if he feels he was discriminated against.

12. Q. As a selecting official, can I select anyone on the list of best qualified employees? Or must I select from among the top three and not pass over a veteran to select a nonveteran?
    A. The "rule of three" and veteran's preference do not apply in considering current Federal employees for promotion, transfer or reassignment. Unless modified by your own agency merit promotion plan, you are free to select anyone on the list of best qualified employees.

13. Q. I want to promote an employee who I think is deserving, but I can't convince Personnel. If I am the best judge of my own staff's ability, how can I reward the good workers if Personnel won't let me?
    A. Generally, all promotions must be competitive. Agency merit promotion plans describe the procedures to be followed to ensure that competition is open and fair. Agencies may, however, provide an exception for employees who have previously been selected for a job with a career ladder leading to a higher grade position or whose position is reclassified at a higher grade because of additional duties and responsibilities. Check your agency's promotion plan to see if your situation fits one of these exceptions. (Q. 4, Chapter 6)

14. Q. I'd like to reorganize and abolish 30 jobs, but I'm concerned about some of the employees who, despite their

long service, are at the bottom of the retention register. What can I do?

A. If the reorganization is large enough to be considered major (that is, it affects five percent of your agency's employees) OPM can authorize "early out" retirement. OPM will also give displaced employees special help in finding other Federal jobs. Most agencies give priority to displaced employees. If none of these work, OPM can authorize priority consideration for your displaced employees by other Federal agencies in the same geographic area.

15. Q. If I have to abolish a job, must I follow OPM's reduction-in-force procedures in placing the affected employee?

A. Not necessarily. For example, if you can place the employee in a vacancy without reducing her grade or pay you need not follow reduction-in-force procedures.

16. Q. I have an employee who is capable, but he's in the wrong job. I asked him to take another position at the same grade and salary, but he says it's a lower ranking job and I can't force him to take it.

A. The Civil Service Reform Act of 1978 abolished the concept of rank. As long as the grade and salary are the same you're free to use people where they are needed.

2

Classifying Jobs

***Chapter 2* Highlights**

What is position classification?
Why is it necessary?
What is the manager's role in classifying jobs?

Basic Reference: FPM Chapter 511

If good hiring means putting round pegs in round holes, it follows that you should make sure the holes are round. As a manager, it is up to you to make sure you have the right jobs, in the right places, and at the right levels to get the work done. In deciding these things, you are also deciding the kind of people needed to fill the jobs and their pay. This is where position classification comes in. A person may be appointed, reemployed, promoted, reassigned, demoted, or transferred only if there is a position available. The position *must* be classified, since this is the legal basis for paying the employee. Position classification provides:

- "Equal pay for substantially equal work," as required by law.
- For variations in pay in proportion to substantial differences in the difficulty, responsibility, and qualification requirements of the work.
- For an orderly grouping of positions based on their duties, responsibilities, and qualification requirements.
- A basis for recruiting, selecting, placing, promoting, and training employees.

What It Does—Position classification identifies similarities and differences in kinds of work, and in degrees of difficulty and responsibilities of duties between positions. It also groups positions in occupational series and grade levels and identifies a particular position with a particular grade level and occupation series.

What It Doesn't Do—Position classification doesn't measure "performance" or "value" of an employee to the organization; nor does it evalute qualifications. And, it doesn't establish "actual pay" of the employee, only the pay range. (Chapter 5)

Covered Jobs—Most positions in the Executive branch and in certain other agencies are subject to the General Schedule Classification and Pay System (over 400 white-collar occupations), and the Federal Wage System (over 400 blue-collar occupations). *Excluded*, for example, are positions: in the legislative and Judicial branches, unless included by law; in the Government Printing Office; the Foreign Service; the Department of Medicine and Surgery at the Veterans Administration; and other kinds of workers covered under

separate systems; and experts and consultants.[1]

Manager's Role—As a manager, you determine what work is required and how and by whom it is to be done. *You* are the *key* to position classification. It is your job to:

- Assign duties and responsibilities to each position.
- Maintain accurate and current position descriptions (PD's) for each employee.
- Inform employees concerning their duties and responsibilities, content of their PD's, availability of position classification standards, and the right to request classification review of their positions.
- Review, revise, and approve PD's for use in determining classifications.
- Prepare PD's for vacant positions.
- Initiate recommendations for personnel actions based on classification concerns.
- Control "details" of employees to duties other than those officially assigned. (Report to your personnel office all details lasting more than 30 days, as they may need agency or OPM approvals.)[2]
- Inform employees of the status of classification actions.
- Participate in periodic reviews of PD's to insure that positions are properly classified.

Employees' Role—Participation by employees in the classification process is also essential. While you must approve the PD, they may prepare their own, giving them a chance to explain the work they do and how they do it. Employees also should furnish information about their work to the personnel office and cooperate with personnel specialists during desk audits.

Position Classifications Standards—By law, positions must be classified on the basis of their duties, responsibilities, and qualification requirements in conformance with OPM Government-wide standards or guides. The standards define the occupation, explain significant factors in evaluating positions, and define work characteristics of various grade levels for both white- and blue-collar. OPM tries to revise standards every few years; never-

[1]FPM Chapter 304
[2]FPM Bulletin 273-17

theless, some may be out of date. Agencies may ask OPM to give priority to updating a standard. If this isn't possible, the agency, under certain circumstances, may enter into a formal agreement with OPM to do an occupational study and prepare a draft standard in cooperation with OPM. Employees are entitled to examine published standards and pertinent information used in determining the title, series, and grade of their position. They usually can be found in your personnel office, library, or at OPM offices.

Factor Evaluation System (FES)—Relatively new, FES is a way of assigning grades to nonsupervisory white-collar positions from GS-1 through GS 15, using standards which have benchmarks and factor-level descriptions. A benchmark describes a typical work situation in terms of duties, and how evaluation factors relate to that work. The FES factors used are: (1) knowledge required by the position; (2) supervisory controls; (3) guidelines for work; (4) complexity; (5) scope and effect; (6) personal contacts; (7) purpose of contacts, (8) physical demands; and (9) work environment. FES was developed because it is relatively simple to apply and is flexible enough to accommodate new occupations or major changes in positions. It is also more easily understood by position classifiers, managers, and employees than are narrative standards. Over a period of years, occupation by occupation, the standards in FES format will replace most narrative position classification standards.

—SAMPLE—

Series	Grade	BMK #
GS-305	5	2

Benchmark Description

MAIL CLERK GS-5

Duties

Position is located in the national headquarters office of a large agency and the duties require the employee to study incoming correspondence containing a wide variety of subjects and to route this correspondence within the headquarters, to divisional offices, or to approximately 150 regional offices.

—Receives, opens, reads and presorts incoming materials into principal classifications. Carefully studies incoming correspondence to determine nature of question being asked and therefore the organization or organizational level where the reply should be prepared. Questions typically involve

technical, financial, or professional queries and are related to interpretations of Federal law.

—Routes correspondence by assigning the appropriate routing code and attaching a routing and control form after identifying the legal name of the correspondent under which the control form will be filed (and such secondary names as are necessary) so that correspondence can be easily identified in the future.

—Checks all incoming correspondence against control records with reference to symbols or prior correspondence to determine where previous correspondence was sent for action.

—Prepares digests of condensed subject matter, enabling recipients to assign action without having to read entire file of precedent correspondence in order to determine appropriate action officer.

—Processes incoming and outgoing mail and teletype messages in accordance with agency and postal service requirements; establishes new (or updates old) distribution patterns and codes; maintains suspense files for follow-up after assigning "reply by" date when this is required; and performs similar related duties.

Factor 1, Knowledge Required by the Position-Level 1-3—350 points

—Knowledge of the organizational structure and functions of a national headquarters office and of its subelements to route any type of material on any of a wide variety of different topics by subject-matter content. (350 points)

—Knowledge of legal, technical, financial, and professional subject matter to classify materials, to search for precedent materials, to prepare digests of file contents, and to route materials to subject-matter specialists within any of a large number of organizational entities. (350 points)

—Knowledge of agency and U.S. Postal Service requirements to process incoming and outgoing mail, establish distribution patterns and codes, etc. (200 points)

Factor 2, Supervisory Controls-Level 2-3—275 points

Employee's work is not generally reviewed and is performed under very limited supervision. The work is done without continuing specific instruction, although the unit chief is available for consultation on highly complex issues.

Work is evaluated in terms of successful provision of services to operating elements.

Factor 3, Guidelines-Level 3-2—125 points

Though general guidelines are available to show subjects handled by different organizational elements, employee must determine nature of correspondents' problems by studying content of materials in order to route them properly.

Factor 4, Complexity-Level 4-3—150 points

The decision upon what action must be taken and which organizational element will take the action requires a thorough study of each separate item of correspondence (frequently in relation to prior items of correspondence on the same or related subjects). Duties involve location of precedent materials and preparation of digests or synopses of contents prior to routing to appropriate action office.

Factor 5, Scope and Effect-Level 5-2—75 points

Work is related to prompt and efficient routing of private and official inquiries to the appropriate organizational element for preparation of reply. The service provided affects timeliness and reliability of services provided by personnel in the operating elements.

Factor 6, Personal Contacts-Level 6-2—25 points

Contacts are with coworkers in the headquarters office and with employees throughout the organization and in regional and field offices.

Factor 7, Purpose of Contacts-Level 7-1—20 points

Contacts are for the purpose of providing or obtaining information related to the mail operation, including follow-up on suspense correspondence.

Factor 8, Physical Demands-Level 8-2—20 points

While some work is sedentary in nature, there is frequent walking, stooping, stretching, and bending involved, and also recurrent lifting and carrying of moderately heavy items.

Factor 9, Work Environment-Level 9-1—5 points

Work is performed in a typical mail room setting.

TOTAL POINTS—1045

Position Descriptions (PD's)—This is the official "management approved" record of the major duties and responsibilities, and supervisory relationships of a position. It relates to a specific title, series, and grade.

Use of PD's—Candidates for employment or promotion are identified on the basis of their ability to meet the requirements of the position and its classification. Work assignments should relate to the duties and responsibilities in the PD. Within-grade increases in pay, performance awards, performance ratings, etc., are based on the employee's performance standards which are, in turn, based on the duties and responsibilities in their PD. Assignments and displacements in a reduction-in-force are based in large measure on duties and responsibilities described therein.

What a PD Doesn't Do—It doesn't list every specific task an employee may be called on to do, nor is it an assignment sheet. It doesn't prevent managers from assigning employees additional duties or changing present duties. (If the job becomes *significantly* different on a permanent basis, it should be redescribed and a new PD prepared.) It doesn't give an employee any basis for refusing to perform a particular assignment even though it is not specifically mentioned in the PD.

Classification Review—This is a request to re-evaluate the duties and responsibilities in the official PD. Any employee (or a representative designated in writing) may ask for a classification review of their position at any time, either through the appropriate administrative or personnel office or directly through OPM. Wage-grade employees must go through their agency first. An employee may ask for a review of the title, pay category, series, and/or grade of the position.

Who Makes the Final Decision—In most cases where there is a dispute on classification, the issue will be resolved by a higher level agency personnel office. OPM, however, retains final authority if it chooses to do so in determining the proper classification of a position. Agencies classify positions according to OPM

Government-wide standards. OPM may direct an agency to correct an improper classification and, in extreme cases, may withdraw classification authority.

Your Role In Classification Reviews—Neither encourage nor discourage requests for a classification review, but make sure your employees know they can ask for a review. The best way is to avoid the NEED for classification reviews. At least once a year, review your employees' PD's in the light of the work actually being done; discuss with them any changes since their positions were last described and classified; rewrite or amend the PD's as necessary; and have your personnel office review the rewritten PD for possible reclassification. It is a good idea to do that at the time you are establishing or reviewing performance standards and critical elements. (Chapter 3)

New PD Required—If you want to establish a new position having duties and responsibilities not previously performed, or not previously described and classified, you need a new PD. You also need a new one if the duties and responsibilities of a position in your unit have changed sufficiently so that they constitute a "different" job. However, you can assign temporary duties to an employee without rewriting the PD.

New PD Not Required—You do not have to prepare a new PD if you want to recruit, promote or reassign an employee to a previously classified position which is now vacant. The same holds true when you are adding employees in positions already filled and the work is identical. Nor is one needed if a position is transferred to another unit without any change as a result of reorganization.

Adding or Removing Duties can have significant impact on employees:

- If an agency deliberately adds enough duties to a job to change its grade level, and the job is not in an established career ladder of positions, the job may have to be filled through the agency promotion system. This situation is called "planned management action."
- If an employee's duties gradually change without deliberate planning by the agency, remain in the same organization

location, do not include project leader or supervisory duties, and the grade level is increased, the employee's position may be reclassified to the higher grade and she gets the promotion.

- If enough duties are removed from a job that the grade is reduced, the employee generally is entitled to reassignment, grade and pay retention, or may be separated through reduction-in-force, if the circumstances warrant such action.
- If the job has been improperly classified and must be changed, the employee may be entitled to grade or pay retention. (Chapter 5)

Questions and Answers

1. Q. Who initiates the classification process—the manager or the personnel office?
   A. It begins when you establish a position and describe the duties and responsibilities. You may ask Personnel for guidance on how to group duties most efficiently, or how to lay out a career ladder of positions.

2. Q. My unit has been assigned new work which can't be done by the kinds of employees currently under my supervision. How do I recruit staff for the new work?
   A. Classification of the new work is your first task. You, as a manager, define the duties and responsibilities required to perform the new work, assign these duties and responsibilities to positions, and provide information for writing PD's. Your personnel office reviews the PD's and the work of the job, and determines the proper grade, series and title. Classifying a position is prerequisite to identifying qualifications needed to perform the work and the pay grade, whether blue-collar or white-collar. You also propose qualification requirements which must be clearly related to the job. If the current staff of employees fails to qualify for the newly created positions, your personnel office will help you recruit and/or reassign.

3. A. How can I reward an employee doing an outstanding job—who, in fact, is functioning independently and somewhat as my special assistant on a variety of

assignments? I need this worker, and want to forestall possible loss to another agency.

A. You need to evaluate whether this situation represents primarily a high level of employee performance or whether the responsibility and complexity of the job itself have changed, due to the impact of the employee on the job. A quality step increase (QSI) or an award is a way to reward high level performance. On the other hand, if the employee's ability is such that the job has, because of it, changed significantly in level and/or kind of duties and responsibilities, it should be redescribed and the PD evaluated by the personnel office. In the latter case, established avenues of career and/or competitive promotion must be followed depending upon circumstances.

4. Q. One of my employees is now regularly performing a greater variety of duties, and feels the job should receive an extra grade. What should I say, since I think the added duties don't necessarily increase the difficulty of the job?

   A. If the new duties are more difficult and require additional qualifications, it's possible that the job could be evaluated by your personnel office to a higher grade. (Typically, however, a greater variety of duties is likely to consist of a greater number of different duties at the same level.) Personnel will advise you if the new duties can justify a grade and pay increase. They should also explain to you their analysis of each job duty compared to the appropriate classification standard. The employee may also request a classification review of the job.

5. Q. My employee refuses to perform an assigned task, because it is not explicitly stated in the PD. Is the employee correct?

   A. Position descriptions do not control assignments. The PD depicts the *typical* duties assigned to the job, but can't cover all possible variations of these duties or other minor duties which don't *significantly* change the job. An employee can be temporarily assigned to duties other than those in the PD. If the duties are significant-

ly different, and if the assignment will exceed 30 calendar days, approval may be required from your personnel office or from OPM. A temporary promotion may be justified. Of course, if the duties have changed significantly and permanently, the position *must* be redescribed.

6. Q. When can duties control grade, especially those that take less than the majority of the employee's time but are of higher grade value?
   A. Specific duties determine grade only when they are paramount in influence or weight, occupy a substantial portion of time, are a regular and recurring part of the job, and require materially higher qualifications. For example, when the paramount job duties evaluate to GS-13, a classification to this level is warranted, even though some duties may evaluate to only GS-12.

7. Q. Several of my staff feel their jobs are undergraded, and they are threatening to transfer to another agency where they can get better jobs. My personnel office insists they are in the right grade. How can I best determine the proper grade, and then make sure they have it?
   A. Has your personnel office reviewed these jobs recently, including job audits? If not, ask. Also, you need to be familiar with the classification standards for jobs under your control to decide whether (in your opinion) the PD's are current or whether the jobs need to be redescribed. Possibly the type of supervision received, the guidelines used by the employee, or the work complexity, scope, or other aspects of the job have changed significantly. Your employees can also request a classification review of these jobs through your agency, and if need be, to OPM.

8. Q. An employee has received two quality step increases (QSI) in the last two years. Can this kind of continued superior performance merit an extra grade?
   A. The duties and responsibilities assigned to the position determine the grade, not the performance. Furthermore, a QSI is awarded with the expectation that the recipient

will continue at a superior level of performance.

9. Q. How do I explain an unfavorable job classification to my employee?
   A. Discuss the objective basis of position classification; that is, the nature and kind of duties and responsibilities compared to established position classification standards. The grade of a position is not based on personality, personal strengths or weaknesses, or the level of performance achieved. Identify the nature and scope of the employee's disappointment and suggest possible lines of career development and training.

10. Q. How can I easily separate what counts and what doesn't count in classifying a position?
    A. *What counts:* Nature, variety, range and scope of work; difficulty and complexity or work; authority and responsibility; controls over the work; knowledge, skill, and ability required; personal contacts; and, in some cases, work environment and physical demands of the work. *What doesn't count:* Length of service; diligence; overtime; financial need; volume of work; employee's efficiency; recruitment problems; personality; and unusual qualifications not required to do the work. (Unusual qualifications *may* produce an impact on the job in time, however.)

11. Q. I supervise an office that serves the public, and we are so short staffed that there are long lines of angry "customers" all day. I've told this to my boss several times, but he says "do the best you can." What should I do?"
    A. Suggest to your boss the possibility of asking your personnel office to study the organization of the work in your office and the present job structure. If you can't develop a more efficient organization, the study can then be used to support a request for more staff.

12. Q. Position management reviews seem to be biased toward downgrading jobs. What can I do to verify that the classifier's interpretation of the standards is

correct, especially when I know more about my staff's job than the reviewer?

A. You may ask Personnel to review and audit the jobs, to be sure the PD's capture the level of difficulty and responsibility of the work. Your jobs may need to be restructured to pull out the higher level duties and thereby divide your positions into two grade levels. Consult your personnel office to be sure that all aspects of the job are fully recognized. When overgrading has occurred, you'll need to either downgrade the position or supplement it with more difficult duties to warrant the grade and pay level.

13. Q. My supervisor has not updated my PD and it doesn't describe my job; my job has never been discussed with me, nor have I been told what is expected. I've tried talking with my supervisor,—who is always too busy. On what basis am I to be judged regarding performance and merit pay increase?

A. You *are* entitled to a current PD which describes your duties, responsibilities, and supervisory relationships. Supervisors are responsible for fully explaining to the employee the basis for classifying the position and the critical elements of the job, for certifying the adequacy and accuracy of the PD, and for reporting significant changes in duties to Personnel. Employees have a right to request a classification review of their position, either through their own agency or directly to OPM, if dissatisfied. In this situation, consult your agency classification section to discuss alternatives, —they should explain requirements to your supervisor. You could also revise your PD to the best of your ability, and use it to open further discussion with your supervisor. (Or ask your supervisor to send it to Personnel.)

14. Q. What position classification reviews can be requested by employees.

A. Employees may request a classification review of the title, series, grade, or coverage by the General Schedule of their own position; and also may appeal their status under the Fair Labor Standards Act, although this does not pertain to classification review.

15. Q. I realize that I am responsible for position management in my section. What does this mean?
    A. Position management is the process of organizing positions and distributing duties and responsibilities among these positions in the most efficient, economical, and productive manner. This involves such things as: identifying your organization's "mission"; simplifying the work to best achieve that mission; organizing the work so that it is as satisfying as possible; understand the labor market; using employee abilities to the fullest; providing career opportunities; and working within the controls established by higher authority. All of those are aspects of managing well, and—in the end—will result in getting the job done better.

16. Q. I think some of the classification standards and the qualifications standards are not current. How can I improve them?
    A. Once a year OPM's Occupational Standards Branch requests agencies (through an FPM Bulletin) to recommend needed standards projects. You may contribute to this input. Contact your personnel office for details and procedures. OPM later responds to agency input by sending out a schedule of planned and possible standards projects for the year.

17. Q. I could operate with far fewer employees, but would that force a reduction in my grade level?
    A. While the number of employees supervised influences the grade assigned, a *range* is involved. Some change in numbers of employees supervised may not change your grade. Ask your personnel office to take a look at other factors which may support the grade, such as the nature and variety of operations, the level of work supervised, managerial aspects, and possible special elements.

18. Q. One of our experts would like to continue his present type of work, but will he have to become a supervisor to get a higher grade?
    A. More than half of GS-14 and -15 jobs are non-supervisory. Check the classification standards carefully.

3

Performance Appraisals

***Chapter 3* Highlights**

How can performance appraisals improve activity effectiveness?

What are the keys to effectively appraising employees?

Who benefits?

Basic Reference: FPM Chapter 430

The Civil Service Reform Act puts a great deal of emphasis on evaluating employee performance. The ultimate objective is to improve organizational effectiveness through better use of human resources. Under the law, agencies must have systems for periodically appraising employee job performance and for using the appraisal results as a basis for training, rewarding, reassigning, promoting, reducing-in-grade, retaining, and removing employees. There is no "right" system. Each agency develops one or more systems suitable for measuring the performance of its work force. All the systems must be "on line" no later than October 1, 1981.

Performance-Based Personnel Decisions

- Acceptable level of competence
- Quality step increases
- Merit pay
- Demotion or removal for unacceptable performance
- Promotion
- Reduction-in-Force (RIF)
- Federal Wage System step increases
- Special Achievement Awards
- Reassignment
- Successful completion of regular, supervisory, or managerial probationary period
- Nomination for training

Your Role—Your role depends on your agency's policies and appraisal systems. Some agencies have delegated the development and implementation of plans to organizational components such as bureaus or regions. However, all managers and supervisors have certain general responsibilities to:

- Communicate to employees (at the beginning of appraisal periods) the objective, job-related performance standards and critical elements of their jobs.
- Appraise employee performance in relation to established standards.
- Recognize and reward employees whose performance so warrants.
- Help employees improve unacceptable performance.
- Take appropriate action when unacceptable performance doesn't improve. Unacceptable performance (defined as not

meeting established performance standards in one or more critical elements of a position) is a basis on which you may reassign, reduce-in-grade, or remove an employee—but only after providing him or her with an opportunity to demonstrate acceptable performance. (Chapter 7)

Critical Elements and Performance Standards—A critical element is any component of an employee's job that is of sufficient importance that performance below the minimum standard established by management requires remedial action and denial of a within-grade increase, and may be the basis for removing or reducing the grade level of that employee. Such action may be taken without regard to performance on other components of the job. Alternatively, you may restructure the job or redistribute work, or take other appropriate action to better match the employee with the job. New critical elements and performance standards need to be established for the changed job requirement. A performance standard is an expressed measure of level of achievement (including quality, quantity, timeliness, and/or other matter) established by management for the duties and responsibilities of a position or group of positions. The law encourages employee participation in establishing performance standards, which need to be objective, job-related, clearly communicated, and easily understood.

Performance Appraisal Discussion—End-of-appraisal-period discussions with your employees about their performance need not be unpleasant for either you or them if, during the appraisal period, you: (1) keep them informed on how they are doing in relation to your expectation (good or bad); (2) spot any problems early and correct them; (3) praise and recognize good work; (4) make any needed adjustments to work objectives or procedures; and (5) document how your employees are performing. The discussions will then hold no surprises for your employees and can be conducted in a constructive, matter-of-fact way.

Keys to Effective Appraisal—As the law makes clear, performance appraisal is not just a paper exercise. Continuing management attention is required to make it work properly. This means:

- *Good Communication*—An appraisal system works best when all those affected by it thoroughly understand its purposes and uses. You need to be sure that all employees know how the system works, what it is used for, how it affects them, and how it can benefit them. There also needs to be a mutual understanding about work objectives and regular feedback about work progress. It is not enough to provide feedback only at the end of the appraisal period.
- *Adequate Training*—No appraisal system can succeed if those using it have not been adequately trained. Appropriate training can improve managerial and supervisory skills in coaching, counseling, providing feedback, and making appraisals. (Chapter 4)
- *System Evaluation*—Performance appraisal systems cannot run indefinitely on momentum and continue to be effective. Systems need periodic evaluation to determine whether they are meeting the needs of the organization, managers and supervisors, and subordinate employees. Needed changes should be made promptly.
- *Investing Time and Effort*—The process of analyzing jobs, identifying critical elements, establishing performance standards, and appraising performance sounds like a lot of work. It is. However, your investment will improve organization effectiveness through more productive, informed, motivated, and satisfied employees.

Questions and Answers

1. Q. Must performance standards be in writing?
   A. Yes. Written performance standards normally are easier to communicate and can be an aid to the supervisor in discussing an employee's performance with him or her.
2. Q. Are supervisors required to document discussions of performance standards and critical elements?
   A. No, but it's good practice.
3. Q. Must performance standards be established for probationary and temporary employees?
   A. Yes. All employees are covered, unless excluded by statute or OPM authority.

4. Q. Must performance standards be established for aspects of a position not identified as critical elements?
   A. Yes. If a non-critical aspect of a position is important enough to appraise, performance standards need to be established for it.

5. Q. Can I use the duties and responsibilities listed in position descriptions as the performance standards?
   A. No. The duties and responsibilities reflect *what* work is done. Performance standards describe *how well* the work is done in terms of speed, accuracy, etc. The duties and responsibilities indicated by the PD are a good starting point for developing standards, but are not standards in themselves.

6. Q. Must I have periodic work progress discussions with my subordinates?
   A. That depends on whether your agency's system requires it. But even if the system doesn't require it, periodic progress reviews are an excellent management technique.

7. Q. Can I just tell employees at year-end how I evaluate their work?
   A. No. Periodic appraisals must be in writing.

8. Q. How can I appraise the performance of an employee who has spent considerable time on detail, away from my observation and control?
   A. When an employee has been detailed to another postion for a significant part of the appraisal period, the temporary supervisor should prepare a supplemental appraisal. Critical elements and performance standards should be communicated to the employee at the start of the detail.

9. Q. In trying to establish critical elements of my job, my boss and I have been talking for several months, but can't agree. I've been to Personnel, but they tell me it's between my supervisor and me. Rating time is coming up in a few months, and I'm afraid that I won't get a merit pay increase, even though I'm doing a good job. Is there anything I can do?

A. All managers and supervisors in grades GS-13 through GS-15 will be brought into the merit pay system no later than October 1, 1981. By then, your agency must have a formal appraisal system on which to base performance evaluations. In any case, deciding the critical elements of a job is management's responsibility; your boss must establish and discuss the critical elements of your job with you. And you, in turn, should discuss with your employees the critical elements of their jobs.

4

Training

***Chapter 4* Highlights**

Why train employees?
What types of training are available?
What are the alternatives to formal training?

Basic Reference: FPM Chapter 410

Managers and supervisors get work done through others. Providing relevant training can improve their work as well as your own performance and achievements. You can use training for three purposes: to help employees be better at what they're doing; to develop employees so they can advance to new jobs; and to bring about changes in what your activity does.

Try Training Last—Even though training may improve an employee's performance, there are some less expensive steps you should take first: simply tell people what's expected of them; provide feedback when they are doing the job right, and when they are doing it wrong; and reward people who do things well and discipline those who can but don't do what's expected. This may bring the desired results.

On-The-Job Training—You do this every day to some degree. You answer questions, demonstrate how to do things, provide guidance. A new worker, or someone doing a new job, often calls for greater on-the-job training. You can improve your training by following these suggestions:

- *Analyze the job.* List, step-by-step, each task that makes up a particular job. Decide which tasks require training.
- *Set training objectives.* Be specific about what people should be able to do (or do better) if the training is successful. Use measurable action words in setting objectives.
- *Train people carefully.* Tell people what they're supposed to do; show them how you do it; have them tell you what must be done; and, finally, have them show you that they can do it.
- *Evaluate your training.* You can improve your own skills by evaluating the training you give. Ask people questions to see if they understand what you're teaching them. Let them practice what you have taught. Finally, check to see if they are using what you taught. You may find it helpful to use performance standards in evaluating training. (Chapter 3)

If you don't have the time to train people personally, delegate. Assign an experienced employee to train or coach newer workers.

Classroom Training—On-the-job training may not be possible or sufficient. If so, consider sending people to training classes, but make sure you select the right people for the right training.

Consider the costs for salary, tuition, travel, etc., then ask your training office to help you shop around for courses that best meet your needs. Look at the objectives listed for any course you are considering. First make sure that the course teaches specific skills and, second, that those skills are the ones that need to be learned.

Training Locations—Under the Government Employees Training Act, your agency has the authority to pay for job-related training. In FY'78, the government spent over $275 million to provide 806,390 instances of training for Federal employees. You may nominate people for training provided by your own agency, other agencies, and nongoverment facilities. Choose the best for your needs. If your own agency has a course, it may be the least expensive and most relevant training available. You might ask your training officer to organize classes if there is a need. You can take advantage of courses offered by other Federal agencies or by interagency training centers. OPM, for example, offers courses throughout the country on: automatic data processing, supervisory and communication skills, management sciences, personnel management, labor relations, and general management. If Federal courses are more expensive than nongovernment ones, or are not available at all, you may be able to send employees to universities or private firms.

The Government may not fund training given for the sole purpose of obtaining a degree. However, this prohibition "is not to be construed as limiting the authority of agencies to assign their employees to training in nongovernment facilities when the training is for the purpose of developing those skills, abilities, and knowledges which will best qualify them for the performance of official duties. If in the accomplishment of this training an employee receives an academic degree, this may be considered as merely an incidental byproduct of the training."

Helping People Get Ahead—Why managers should train their people to do their jobs is obvious. But why train them for *other* jobs in your agency—ones they could reasonably be expected to perform in the future? While altruism has its place, there are other reasons: (1) you can help your agency fill key vacancies by readying people already on board; (2) you can help meet

agency responsibility for developing lower grade employees, especially those who have the potential to move out of dead-end jobs; and (3) it might encourage your staff to work harder by helping them see that promotions are possible. (Chapters 1, 10, and 14)

Ways to Help—Do you have clerical or secretarial employees who would like specialist jobs with promotion potential; for example, from GS-5 through GS-11? Because secretarial experience itself does not qualify for specialist jobs, you might let them know about technician jobs (typically at grades between those of clerks and specialists). You can establish technican jobs in your own activity which could provide the bridge. For all employees, you can use a variety of career development strategies such as: detailing someone to another office; arranging for two people to switch jobs for a while; nominating people for developmental programs in your agency; or even assigning people to a state or local government job. You may find, however, that it's best to simply get employees to take on more challenging work.

Counseling—How much career counseling have you done? If you've tried, you know that its success depends not only on your skills, but on the skills, career goals, and interests of the person you are counseling. Try this approach:

- Determine potential for higher level work by learning about an individual's interests and most satisfying accomplishments on and off the job.
- Help identify jobs for which an employee has potential and which are likely to be open.
- Find out what qualifications (training or experience) are needed to fill the jobs.
- Help your people meet the qualifications.

More About Training—These tips on training are a starting point. You can get more information from your personnel office and OPM. For direct help on training, contact your agency's training office. Through it, you can tap a network of Federal training resources: publications, courses, and consulting services.

Questions and Answers

1. Q. A member of my staff wants to take some courses to earn credits towards a college degree. May the Government pay for these courses?
   A. Maybe. You can get Government support only for job-related courses. Approve only training related to present duties or to duties the employee is likely to have in the future. If the course is part of a degree program, this fact should not influence your decision. Do not approve training if its sole purpose is to help the employee get a degree.

2. Q. Whenever I ask for training for an employee, I'm told there is no money. What can I do about it?
   A. Try to find free training. You might get another agency to let your employees into its classes for free on a space-available basis. Your employees might even be willing to pay for their own courses; if so, ask your personnel office whether they can go to class during regular duty hours. Remember, development assignments and details to other offices are tuition free. If you can't find some form of free training, raise the need for funds with your senior managers. Also, learn more about how your agency budgets for training. That way you may be able to get more money in the future for training.

3. A. My staff is not producing the quantity or quality of work I expect. Is training a factor?
   A. It could be—but you won't know for sure until you systematically analyze the problem. There are some simple procedures for determining training needs and analyzing performance problems. Your training office should be able to advise you on the use of these tools.

4. Q. One of my employees used to do accurate work. Now she seems to have an attitude problem, and the quality of her work is slipping. Will training help?
   A. Probably not. Unless the job has changed or she has reasonable prospects for new assignments, you have little reason to send her to training. (Chapter 12)

5. Q. I want an employee to take training available only outside regular duty hours. However, he refuses. What can I do?
   A. You can reschedule his work week so the training falls during work hours.
6. Q. My staff includes technicians who require long on-the-job training before they are competent to do the job. When one leaves, it takes months to hire and train the replacement. How can I speed up this process?
   A. Consider using your agency's upward mobility program. Even before you have a vacancy, ask people to compete for the opportunity to be trained as a technician. Then, train the ones you select while they are still on their current jobs. When a technician leaves, reassign one of the people you have already begun to train. Try to train only as many people as you'll need to fill your vacancies. If you train too many, you'll likely disappoint many of them. (Q. 5, Chapter 1)
7. Q. What kind of help can I really expect to get from my training office?
   A. At a minimum, you can expect any training office to tell you about local training procedures and available courses. You might also get help with analyzing performance problems, career counseling, determining training needs, and designing and conducting training.

5

Compensation

***Chapter 5* Highlights**

What is the correct rate of pay for an employee?

Under what conditions do employees retain their grade and pay if placed in a lower graded job?

What are the various types of premium pay and when is each used?

How does the Fair Labor Standards Act apply to Federal employees?

What is merit pay and to whom does it apply?

Basic Reference: FPM Chapter 530

While a detailed knowledge of pay rules isn't necessary, you should be familiar with general paysetting practices and entitlements of employees. This will assist you in scheduling work economically and efficiently, and help you to give your employees general advice when they need it. The first part of this chapter discusses rates of pay; the second covers retained grade and pay; the third premium pay; and, the last, merit pay for managers and supervisors.

Determining Rate of Pay

Paysetting rules for General Schedule (GS), white-collar, and Federal Wage System (FWS), blue-collar are often different. Both are fixed by law or administrative action. For GS employees, "rate of basic pay" means the pay for a position before any money is deducted or extra pay is added. For FWS employees, it is called "scheduled rate of pay." Extra pay includes overtime, Sunday and holiday pay, night differential, enviromental or hazard differential, remote work site allowance, cost of living allowance, recruitment and retention allowance, and any other premium pay differential, allowance or add-on. Base pay for both types of employees includes retained rate of pay.

Initial Appointment—When an employee is appointed to a GS job for the first time, his pay normally must be set at the first step of the grade. If he has exceptional qualifications for a position (e.g., a noted authority in the field), at GS-11 or above, he may be paid at a higher step if OPM approves. OPM also authorizes higher starting pay when agencies can prove they are having significant staffing problems because of higher pay for comparable skills in the private sector. Starting pay for FWS employees is also set at the minimum rate of the grade, with exceptions for special qualifications or hard-to-fill occupations.

Promotion (Chapter 1)—An employee's basic pay must be increased by a least two steps when promoted to a higher GS grade. This applies, with certain maximum restrictions, to employees on retained grade and/or pay.[1] An FWS employee is en-

[1] A rate of pay that is more than the maximum rate of the grade in which the employee is working.

titled to the lowest schedule rate of the new grade which is no less than a one step increase in the old grade (four percent). If there isn't a rate which would produce that increase, the employee must receive the maximum for the new grade or his existing scheduled pay, whichever is higher.

Highest Previous Rate—Both blue and white collar workers who are demoted, reassigned, transferred, or reemployed can be paid at any rate in the pay range applicable to the job, up to the highest previous rate they held. Entitlement to the highest previous rate is determined by the employing agency.

Supervisory Pay Adjustments—When a GS supervisor has regular responsibility for supervising the technical work of FWS employees, he may have his rate increased to the lowest rate on his pay scale which allows him to be paid more than his FWS subordinates. An agency must have a policy for this kind of pay adjustment which cannot exceed the maximum for the GS grade involved. There are no provisions to adjust the pay of an FWS supervisor to assure that his pay will exceed that of a subordinate paid under another system.

Within-Grade Increases—GS employees in permanent, full-time or part-time jobs are entitled to within-grade increases set by law. To get the increases, an employee must be working at an acceptable level of competence and must not have received an equivalent increase[2] during the waiting period. As a supervisor, you rate employee performance. You may deny a within-grade increase *only* because an employee fails to perform his duties at the desired level. (Chapter 7) You *cannot* deny it as a way of disciplining an employee. The law provides that an employee denied a within-grade increase is entitled to: (1) a prompt written notice; (2) reconsideration within the agency; (3) appeal to the Merit Systems Protection Board if the reconsideration also results in denial; and (4) a retroactive within-grade increase if reconsideration or appeal reverses the first denial. You must document in detail your reasons for denying a within-grade increase and explain how the employee's failure to complete specific tasks demonstrates his or her inability to perform the

[2] An equivalent increase is any increase or increases at least equal to a within-grade increase for his grade. For example, the two steps an employee receives on promotion is an equivalent increase.

job acceptably. Your personnel office can help you document the denial. (Chapter 8) Any FWS employee under a regular wage schedule[3], who has a satisfactory performance rating and has not received an equivalent increase in pay during his waiting period, is automatically advanced to the next highest rate of the grade at the beginning of the first pay period after completing the required waiting period.

Quality Step Increases (Chapter 6)—Employees may be granted quality step increases for outstanding performance. Only one such increase may be granted to an employee during a single 52-week period. It is not an equivalent increase.

Retaining Grade and Pay

The Civil Service Reform Act allows employees to keep their grade or pay in most situations when, through no fault of their own, they would be reduced because of: (1) a reduction-in-force (RIF); (2) a transfer of function outside of a commuting area; or (3) a reclassification. All permanent employees moved to or occupying a GS position, and most permanent employees moved to or occupying an FWS position are covered. In RIF or transfer actions, the employee must have served 52 weeks in a grade higher than the new one. In case of reclassification, the position must have been classified at the higher grade for at least one year.

Grade Retention—An employee is entitled to retain grade for up to two years, unless repromoted or the grade retention is terminated by:

- Break in service of one workday or more.
- Demotion for personal cause or at the employee's request.
- Placement in a grade equal to or higher than the retained grade.
- Refusing a "reasonable offer" of a position at a grade at least equal to the retained grade.
- Employee's written request to end grade retention.

Pay Retention—An eligible employee is entitled to the rate received just before the action, or no more than 150 percent of

[3] Established under 5 U.S.C. 5343(e) (1)

the maximum rate for the grade of the new position, whichever is less. For example: If an employee is reduced from a GS-9, step 5 ($18,044 a year) to a GS-7, he or she is entitled to retain the GS-9, step 5 rate, since the maximum rate is 150 percent of $16,920 (GS-7, step 10), or $25,380. However, if that same GS-9 employee is reduced to a GS-3, she would be entitled only to a maximum retained rate of $16,316, which is 150 percent of $10,877 (GS-3, step 10).[4]

Eligibility—Employees are also eligible for pay retention in other circumstances. Pay retention is *mandatory* in certain cases. For example:

- Reduction in grade where the employee *normally* doesn't meet one of the requirements for *grade* retention.
- Placed in a lower-grade position after declining an offer to transfer with a function within a commuting area.
- Reassignment to a position in a lower wage area.
- Placement into an Upward Mobility, Apprenticeship, or Career Intern Program at a lower grade.
- Placement into a lower grade position which the agency determines is hard to fill.
- Action taken because the employee no longer meets a specific employment condition or requirement established by the agency or OPM, e.g., physical qualification requirements.
- Reduction or elimination of scheduled or special rates of pay resulting from such actions as changes in wage area coverage.

Pay retention is *optional with the agency* in other management actions taken to further the agency's mission where retaining pay would be consistent with the intent of law and regulation.

Actions Ending Pay Retention—Employees are entitled to indefinite pay retention. However, they receive only 50 percent of each succeeding general pay increase. Pay retention may be terminated by any of the following:

- Break in service of one workday or more.
- Entitlement to a higher rate of pay.
- Declining a "reasonable offer" of a position with a rate of pay at least equal to the retained pay.

[4] Rates Effective in October 1978

- Demotion for personal cause or at the employee's request.

Reasonable Offer—As a basis for losing retained grade and pay, an offer *must* meet all the following conditions to be "reasonable:"

- Be in writing and include an official position description of the offered position;
- Be permanent, and the employee must meet its qualification requirements;
- Be in an agency covered by grade and pay retention provisions;
- Normally be full-time; *and*
- Normally be in the same commuting area.

Appeals—Employees entitled to grade retention may file a RIF appeal to the MSPB or a classification appeal to the OPM. (Chapters 8 and 2) Employees also have the right to appeal to OPM if their grade or pay retention was terminated on the grounds they declined a reasonable offer. However, they have no other appeal rights if they are entitled to grade or pay retention.

Effective Date and Retroactive Coverage—Grade and pay retention provisions were effective the first day of the first pay period beginning on or after January 11, 1979. Certain provisions apply retroactively, however, to employees demoted on or after January 1, 1977.

Premium Pay

Premium pay is pay that an employee receives for working unusual hours or under abnormal working conditions. In general, this includes work at night, on Sunday, on a holiday, on overtime, or under certain hazardous conditions. Premium pay is different for GS and FWS employees. Basic premium pay entitlements are contained in Title 5 of the U.S. Code. However, certain employees are also entitled to overtime pay under the Fair Labor Standards Act (FLSA).[5] They are identified as "nonexempt" since they are not exempt from the provisions of the FLSA. You'll find FLSA overtime pay provisions discussed later. Overtime pay for nonexempt employees must be computed under both Title 5 and FLSA to insure they are paid un-

[5]Title 29, U.S.C. Sections 201-219

der whichever law provides the greater overtime pay benefit. Also, Congress recently enacted a law whereby agencies may experiment with flexible and compressed work schedules until 1982. (Chapter 9) The premium pay provisions of Title 5 and FLSA have been modified to permit these experiments. Therefore, the following discussion of premium pay does not apply to employees under these experiments.

Overtime Pay—GS and FWS employees are entitled to overtime pay for work over eight hours a day or 40 hours a week. Overtime work must be authorized by an agency official with the authority to "officially order or approve" it. If you don't have this authority, you must obtain approval before directing overtime work. Overtime pay is one and a half times the employee's hourly rate of basic pay. A GS employee whose rate of pay exceeds GS-10, step 1, is limited to one and a half times that rate. There are no limits for FWS employees. Unscheduled overtime work on a day when work was not scheduled, or for which the employee is required to return to the place of employment, is deemed at least two hours overtime work.

Compensatory Time Off—A GS employee may *request,* and the agency may grant, compensatory time off (hour for hour) instead of payment for irregular or occasional overtime work. The agency may *direct* a GS employee whose basic rate of pay exceeds GS-10, step 10, to take compensatory time off in this situation. An FWS employee may not have compensatory time in lieu of overtime pay. A GS employee under both Title 5 and FLSA may continue to take compensatory time off in the same workweek in which the overtime was worked. Also, he or she may take it in a subsequent workweek if his or her entitlement to overtime pay under Title 5 is equal to or greater than entitlement under FLSA. However, at the end of the workweek, if entitlement is greater under FLSA, the employee may not take compensatory time off in a subsequent workweek and must be paid for the overtime.

Night Pay—A GS employee is entitled to night pay for regularly scheduled nightwork performed between 6 p.m. and 6 a.m. The premium rate is 10 percent of the employee's hourly basic rate of pay for each hour worked between such hours. It is the "nightwork" that must be regularly scheduled and not

necessarily the employee. For example: an employee can perform irregular, unscheduled overtime work at night, and, if the work unit is on an "around the clock" operation (including regularly scheduled nightwork), the employee is entitled to night pay *and* overtime pay for such work. An FWS employee is entitled to night pay for regularly scheduled *nonovertime* work when a majority of work hours occur between 3 p.m. and 8 a.m. FWS premium rates for nightwork are seven and a half percent, when a majority of the employee's work hours occur between 3 p.m. and midnight and 10 percent when a majority of the work hours are between 11 p.m. and 8 a.m. The employee is paid at the appropriate percentage rate for all hours in the shift. The Comptroller General has ruled that the "majority of hours" is based on whole hours. Therefore, an FWS employee's eight-hour tour of duty must include at least five hours of nightwork to qualify for night pay for the entire shift.

Sunday Pay—Both GS and FWS employees are entitled to Sunday pay for regularly scheduled *nonovertime* work performed on Sunday. The premium rate is 25 percent of the employee's hourly basic rate of pay. An employee is paid Sunday pay for the entire period of service even though only part is performed on Sunday. Thus, if an employee has two nonovertime shifts, and part of each is performed on Sunday, he is entitled to Sunday pay for both shifts (e.g., 6 p.m. Saturday to 2 a.m. Sunday and 6 p.m. Sunday to 2 a.m. Monday).

Holiday Pay—GS and FWS employees are entitled to holiday pay for nonovertime work on a holiday. The rate is 100 percent of the employee's hourly basic rate of pay for each hour worked on a holiday, and is in addition to the basic rate of pay for the holiday. An employee who is required to report to work on a holiday is entitled to pay for at least two hours of holiday work. (Chapter 9)

Hazardous Duty Pay—GS employees are entitled to hazardous duty pay for irregular or intermittent duty involving unusual physical hardship or hazard. This does not apply to an employee in a position whose grade classification includes such physical hardship or hazard. OPM approves the categories and prescribes the rates, up to 25 percent of an employee's hourly basic rate of pay. An employee is paid hazardous duty pay for

the entire shift on a day when such duty is performed.

Environmental Differentials—An environmental differential is paid to an FWS employee for irregular or intermittent exposure to unusually hazardous or severe working conditions. Environmental differentials are stated as percentage amounts and authorized for OPM approved categories. The differentials range up to 100 percent of the second rate of WG-10 on the current regular nonsupervisory wage schedule for the area. Differentials are paid either for actual exposure or on the basis of hours in a pay status as specified for each category.

Standby Duty Pay—A GS employee who is required to regularly remain at, or within the confines of the duty station during longer than ordinary periods of duty and a substantial part of which consists of remaining on standby, may be paid annual premium pay for such duty. This would be instead of regular premium pay provided by other provisions of Title 5, except for irregular, unscheduled overtime work. OPM prescribes the basis for applicable rates, up to 25 percent of the employee's hourly basic rate of pay (limited to a percentage of the basic rate of pay for GS-10, step 1). The employee is entitled to overtime pay for irregular, unscheduled overtime work performed in addition to a regular tour of duty.

Administratively Uncontrollable Overtime—A GS employee in a position where hours of duty cannot be controlled administratively may be paid annual premium pay for such duty instead of regular premium pay for irregular, unscheduled overtime work. The situation must require substantial amounts of such overtime with an employee generally responsible for recognizing (without supervision) circumstances which require him or her to remain on duty. OPM prescribes the basis for applicable rates, between 10 and 25 percent of the hourly basic rate of pay (limited to a percentage of the basic rate of pay for GS-10, step 1). The employee is entitled to overtime pay for regularly scheduled overtime work and premium pay for night, Sunday, or holiday work.

Maximum Earnings Limitation—GS employees may be paid premium pay (overtime, night, Sunday, holiday, and annual premium pay) only to the extent that the total of basic pay and premium pay in a biweekly pay period doesn't exceed the pay

for GS-15, step 10. This limitation also applies to compensatory time off. If an employee cannot be paid overtime pay because of this limitation, she cannot be authorized compensatory time off since it is based on entitlement to overtime pay.

Premium Pay for Training—Generally, payment of overtime, holiday, or night pay is prohibited for training. There are exceptions. For example: the employee is given training during a period for which he is already receiving premium pay, such as at night because the situations which he must learn to handle occur only at night, etc. Prohibitions on premium pay for training do not apply to time spent traveling to and from training.

Fair Labor Standards Act (FLSA)[6]—As mentioned earlier, overtime pay for nonexempt employees must be computed under both Title 5 and FLSA to insure they are paid the greater amount authorized.

- Nonexempt employees (those subject to the FLSA) are entitled to overtime pay for work over 40 hours a week. The overtime hourly rate of pay is one and a half times the employee's hourly regular rate of pay which may differ from that under Title 5 because it includes the employee's basic pay, plus certain premiums and differentials.
- Hours of work, while generally the same, do vary in specific circumstances. For example, under FLSA, periods of nonwork (paid leave, holidays, or excused absences) are not included in hours worked. Also, the rules for compensable travel time differ, and there are other differences.
- Authorization for overtime work also differs. Under Title 5, overtime work must be "officially ordered or approved." Any work which is "suffered or permitted" is compensable under FLSA.
- As an exception to the basic 40 hour overtime standard, fire protection or law enforcement employees are entitled to overtime pay under a special provision of the FLSA. They get overtime pay for "tours of duty" over an average 54 hours a week for "work periods" between 7 and 28 days.

[6] Reference for FLSA: Title 29, U.S.C. Sections 201-219; Title 5 C.F.R., Part 551, and FPM Letters in 551 Series.

Merit Pay

The Civil Service Reform Act established a Merit Pay System for supervisors and management officials in grades GS-13, -14. and -15. In essence,, it means paying more for better performance and less for routine or minimally acceptable accomplishments. Agencies are developing their own merit pay systems to meet their particular needs. All must be in place not later than October 1, 1981. While they will differ from agency to agency, merit pay plans must be based on performance appraisal systems which are also required by the Act, unless an agency or group of employees are exempt from the performance appraisal system. (Chapter 3)

Covered Employees—Although the Act defines supervisors and management officials, identifying all the employees to be covered by the Merit Pay System requires agency analysis and judgment.

- A *supervisor* is "an individual employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove employees, to adjust their grievances or to effectively recommend such action, if the exercise of the authority is not routine or clerical in nature but requires the consistent exercise of independent judgment, except that, with respect to any bargaining unit which includes firefighters or nurses, the term "supervisor" includes those individuals who devote a preponderence of their employment time to exercise such authority."

If a supervisor has the authority to perform just one of the functions in this statutory definition, and consistently exercises independent judgment, he or she is a supervisor.

- A *management official* is an employee in a position whose duties and responsibilities require or authorize the individual to formulate, determine, or influence the policies of the agency. Specifically, to be a management official requires involvement in setting management policy rather than closely following prescribed procedure. *Making policy need not include supervising employees.*

There is a distinction between a person who provides in-

formation for decisions and one who actively participates in the ultimate decision as to what the policy will be, even if this participation influences policy only through recommendations. Only the latter is a management official. (An example: in a ruling by the Assistant Secretary of Labor for Labor Management Relations, management analysts in one agency were defined as management officials because their functions placed their interests more closely with those who formulate, determine, and influence policies than with those who carry out the policies. However, this ruling is not definitive, and each agency must make its own decision based on its own situation.)

The General Schedule classification system identifies many supervisors and managers, but not management officials. Therefore, if you or your subordinates in grades GS-13, 14, and 15 are properly classified as a supervisor or manager according to the Supervisory Grade Evaluation Guide (SGEG), you'll be covered by the Merit Pay System. But even if you aren't covered by SGEG, you may still be identified as a supervisor or management official for merit pay purposes.

Merit Pay—Once the system is installed in an agency, management officials and supervisors will no longer get step increases and the full portion of the annual October comparability increase. Instead, they must get at least 50 percent of the comparability increase (OPM can authorize a higher percentage) and will be eligible for a merit pay increase, depending on performance, that is funded by three sources: (1) The remaining portion of comparability pay: (2) an estimate of within-grade increases; and (3) an estimate of quality step increases. A merit pay employee does not lose this increase the following year but rather retains it as part of base pay to which further merit pay increases can be added.

Example: For a GS-14 merit pay employee

Assuming a current basic pay of	$32,800
Assuming a 50% comparability adjustment of	902
Assuming a 6.2 percent merit pay increase	2,022
Together, the new basic pay will be	$35,724

The law refers to merit pay increases as "increases within the range of basic pay." The range of basic pay payable for each grade to which the system applies is limited by the minimum and maximum rates of basic pay *payable* for each corresponding grade in the General Schedule.

Questions and Answers

1. Q. I didn't give an employee 60-day's notice that I intend to deny his within-grade increase. His performance is too poor to warrant a within-grade increase. What can I do?
   A. Failure to tell an employee of your intent to deny his within-grade increase is not a basis for granting the increase. Prepare the documentation to deny the within-grade increase. He then has 60 days to come up to an acceptable level of competence.
   The employee's 60-day notice runs concurrently with the period of reconsideration of the denial if he requests reconsideration. He is also entitled, on request, to a period of reconsideration at the end of the 60-day notice period. After the two considerations, he may appeal to the MSPB. On the other hand, you may want to grant the within-grade increase if his performance improves to an acceptable level.

2. Q. One of my best employees just received a within-grade increase, but her performance is clearly exceptional. How long do I have to wait before I can recommend a quality step increase for her?
   A. OPM places no time limit on granting a QSI in relation to earning a within-grade increase. A QSI can be granted at any time. However, an employee can receive only one QSI during a 52-week period.

3. Q. I have an employee who has been temporarily promoted. His performance at the higher level has been outstanding. Can I give him a QSI for that work?
   A. No. The QSI is awarded for continuing performance at an exceptional level. Since the employee was temporarily promoted, his performance at the higher level will not be continuing. There are other types of awards for employees who perform exceptionally on limited

assignments such as sustained superior performance awards, and cash awards.

4. Q. How do you count creditable service for within-grade increases for part-time employees without a regularly scheduled tour of duty?
   A. Creditable service for part-time employees' within-grade increases is based on days of paid service. If a part-time employee works for one hour a day, he receives credit for that day. The service requirement for advancement to the next step is as follows:
   —Pay rates 2, through 4—260 days of creditable service in not less than 52 calendar weeks
   —Pay rates 5, through 7—520 days of service in not less than 104 calendar weeks
   —Pay rates 8, through 10—780 days of service in not less than 156 calendar weeks

5. Q. When would it be advantageous for an employee to voluntarily terminate her grade retention?
   A. One of the more common situations in which an employee may benefit is, if by normal operation of the agency's pay setting rules, her pay in the lower grade would be higher than her pay in the higher retained grade. Of course, in making this decision, the employee must consider any within-grade increases in the retained grade she is entitled to, plus any other benefits from the retained grade she would lose.

6. Q. One of my employees, who is occupying a GS-7 position but has a retained grade of GS-9, is requesting another GS-7 position in my organization. Is this considered a "demotion at the employee's request" which would terminate entitlement to retain the GS-9?
   A. No. A demotion for personal cause or at the employee's request (5 U.S.C. 5362 and 5363) refers to placement in a grade lower than the actual position, not a grade lower than the retained grade.

7. Q. Is an employee from another agency who has a retained grade eligible to retain that grade if I hire him for a job in my agency?
   A. Yes, if otherwise eligible. Transfer to another agency

does not by itself terminate grade retention.

8. Q. Will an employee be paid automatically for any benefits he is entitled to under the retroactive provisions of grade and pay retention?
   A. No. An employee must file OPM Form 1367 with the personnel office to obtain any benefits under the retroactive provisions.

9. Q. How long does an employee have to file a claim for benefits under the retroactive provisions?
   A. An employee has six years to file a claim. However, because of the complexities involved, both he and the personnel office would benefit if he submitted his claim as soon as possible.

10. Q. Will an employee receive all within-grade and comparability increases while on grade retention?
    A. Yes. While on grade retention during the two-year period, he is entitled to earn within-grade increases in the retained grade, and all the comparability increases for the retained grade.

11. Q. What happens to an employee's pay after the two-year period of grade retention expires?
    A. If possible, she will be placed in a step in the lower grade, with a rate of pay either equal to or exceeding the rate from the retained grade. If that isn't possible, she will keep the rate from the retained grade. While on pay retention, she receives 50 percent of succeeding comparability increases. At the point when the retained rate is equal to, or less than, the maximum rate of the lower grade, she becomes entitled to that maximum rate and pay retention is terminated.

12. Q. How do I assign overtime work?
    A. You are responsible for scheduling your employees work in the most efficient, economical, and equitable manner to accomplish the mission of your organization. This includes the authority to schedule regular overtime work, if needed, and to direct employees to work irregular overtime in emergencies. You determine when overtime is necessary, when it will be performed, and what skills are necessary to do it. In this regard, if the

authority to approve overtime work has been retained at a higher level, then you must get approval from that official.

In assigning overtime work, be familiar with any established agency policy or procedures and, if the work unit is covered by a negotiated agreement, be familiar with any procedures for assigning overtime work which may be in the negotiated agreement.

If your agency has no established policy or negotiated procedures, you should distribute overtime work among your employees fairly and equitably. You should also give your employees advance notice, whenever possible, of the need for overtime work so they can adjust their personal activities.

13. Q. What if an employee refuses to work overtime?
    A. Try to determine what is prompting her to refuse, and what the alternatives may be. After reviewing the situation, if it's still necessary to require her to work the overtime, a refusal to work overtime should be treated as a refusal to comply with an order. Continued refusal could result in a reprimand and/or adverse action. Since an adverse action is, in a sense, an admission that all else has failed, use it as a last resort.

14. Q. What is "suffered or permitted" overtime work?
    A. The courts have defined "suffered or permitted" work to mean work performed by an employee with the knowledge of the employer. If it can be determined that you had knowledge or had reason to believe that an empoyee was working and continued to allow it (or acquiesced in such work), then you did "suffer or permit" the employee to work. You must exercise your control to ensure that overtime work is not done if you don't intend to pay for it. If, after properly exercising this control, an employee works overtime without your knowledge and consent, then you did not have the opportunity to prevent the work and, therefore, you did not "suffer or permit" the work.

15. Q. An employee has an administrative workweek (seven-day workweek) of Sunday through Saturday, and a basic

workweek (five-day scheduled tour of duty) of Monday through Friday. When an employee works on Sunday, is she entitled to premium pay?

A. This Sunday work was overtime work since it was done outside the employee's scheduled tour of duty and was in excess of her basic 40-hour workweek (assuming, of course, she later worked the remainder of the basic workweek).

Conversely, this Sunday work does not qualify for Sunday premium pay since it was overtime work and she wasn't regularly scheduled to work on Sunday. As a general rule, an employee is paid night, Sunday, or holiday premium pay when the scheduled tour of duty includes work during these hours or days. Otherwise, she gets overtime pay for work performed outside the scheduled tour of duty and which later results in work over eight hours a day or 40 hours a week.

16. Q. Who has the authority and responsibility to determine which employees are covered by merit pay?

A. The head of each agency has the authority, but may delegate this authority to someone else within the agency to decide who is covered by the Merit Pay System.

17. Q. What happens if there are disagreements about coverage or noncoverage under the M.P.S.?

A. Merit Pay coverage determination may be grieved within the agency.

18. Q. Are employees classified under the Supervisory Grade Evaluation Guidelines (SGEG) as supervisors or managers covered by the Merit Pay System?

A. Yes. All GS-13 through 15 employees properly classified under the SGEG, and performing the duties assigned, clearly meet the definition of "supervisor" under the M.P.S.

19. Q. How will a promotion increase be handled for a General Schedule employee moving into, within, and out of the Merit Pay System?

A. A General Schedule employee promoted *into* the Merit

Pay system will receive an increase equal to a two-step increase, as is the current General Schedule practice. Because there are no steps *within* the Merit Pay System, an employee receiving a promotion from one grade to another merit pay grade will receive a 6 percent pay increase. An employee promoted *out of* the Merit Pay System into a non-merit pay General Schedule grade will receive a 6 percent pay increase and, then will be placed in the step of the higher grade which equals or next exceeds that rate.

20. Q. May an employee's salary change when he or she transfers at the same grade to another agency?
    A. Although all of the technical issues have not been resolved, OPM does not contemplate changing the existing regulations concerning transfers between agencies. It's likely that pay regulations governing positions or appointment changes will continue to apply, and agencies will retain discretion in using the highest previous rate; that is, an agency can give the employee any rate in the grade that does not exceed the highest previous rate the employee received but in no case may this rate be below the mimimum of the grade.

21. Q. Isn't this Merit Pay System really just a device to reduce costs by cutting the size of pay increases?
    A. Not at all. There will be no change in the overall level of funds allocated as a result of this program. The intent is to take funds currently available and distribute them differently. Outstanding performers can receive increased pay in recognition for their efforts, while those whose performance is marginal will have to improve before getting further individual pay increases.

22. Q. Is merit pay a budget item?
    A. No. Merit pay is not a separate line item in the budget. Merit pay funds are derived from the total payroll estimate of the agency's budget.

23. Q. How will the merit pay funds be distributed among organizations and employees within an agency?
    A. Each agency covered by the Merit Pay System is required to establish procedures to ensure that the

merit pay fund in the agency is allocated in a fair and objective manner. Variations in the level of merit pay funding provided different organizational elements in the agency must be based solely on differences in the Merit Pay System payroll for the different organizational elements, unless the agency determines that variations should also be based on differences in organizational accomplishments of the different elements. If differences in organizational accomplishments are to be taken into consideration, those differences must be determined on the basis of a fair and objective assessment of each organization's performance in relation to that of other organizations within the agency, and the basis for the determination must be fully documented.

Thus each merit pay employee will compete for the available funds in his or her organizational unit on the basis of performance. Each merit pay employee must be assured of an opportunity to earn a merit increase based upon the degree to which he or she fails, meets, or exceeds performance standards.

24. Q. Is the merit pay increase a part of basic pay?
    A. Yes. All references to merit pay increases are made in terms of "within the range of basic pay".

25. Q. Under the Merit Pay System, can an individual's pay rate be set at any amount between the minimum and maximum of the pay grade?
    A. Yes, there are no fixed steps in any merit pay grade, so a merit increase can result in an employee's basic pay being set at any dollar amount within the assigned grade's pay range. To determine where an individual's pay rate will be set, agencies must develop merit pay plans that link pay to performance. Merit pay increases must be based on a current performance appraisal, but may also take into account the following performance-related factors: the employee's grade, the employee's position in the pay range; and the time since an employee's last equivalent increase in pay, including the amount of increase.

26. Q. What changes have been made as a result of the Merit Pay System to encourage managers to make pay distinctions for employees covered under merit pay?
    A. While current procedures presume an employee is entitled to within-grade increases, the merit pay plan presumes no such entitlement for covered employees. It's up to the merit pay employees to earn any increases which might be granted under the merit pay program. This change will provide managers with the necessary flexibility to make the kinds of pay decisions that reward employees based on their contributions to the organization.

27. Q. Will there be a fixed percentage or fixed dollar limit on merit pay raises (beside the maximum of the 10th step of the grade and salary of Executive Level V)? What about rumors of a 12 percent merit pay limit?
    A. OPM will not prescribe such a maximum. However, each agency may decide whether it wishes to establish a maximum increase.

28. Q. There doesn't seem to be any provision in this program for employees to appeal if they don't receive a merit increase or disagree with the amount of an increase. Is the employee at the mercy of the supervisor?
    A. Employees under the merit pay plan are excluded from the appeals procedure for within-grade increases since there is no entitlement to a merit increase for merit pay employees. However, complaints regarding merit pay increases are subject to any review procedures established by the agency.

    Under the Reform Act, merit pay employees, like other employees, have an avenue of redress if they believe merit principles have been violated or if they feel a manager has engaged in a prohibited personnel practice in applying merit pay. Employees may make allegations of such practices or violations to the Special Counsel, who, after investigating, may present the complaint to MSPB for action.

6

Incentive Awards

***Chapter 6* Highlights**

How can managers tailor incentive awards to motivate employees?

What types of awards are available?

What are the procedures for making awards?

Basic Reference: FPM Chapter 451

Your interest in building and maintaining a highly motivated and productive organization, means that you need to take the time to become familiar with incentive awards, probably the most flexible management tool you have. Public recognition of superior ideas, and outstanding individual and group performance, helps build morale. Employees learn that you welcome new ideas, and expect high quality performance and recognize it. If your organization's awards program is not producing top performance and constructive suggestions, find out what *will* motivate employees. You can do this by working with your staff and the incentive awards program administrator to identify and use the kinds of incentives that are available.

Flexibility—Laws and regulations give agencies a great deal of flexibility in using incentive awards: They can:

- Establish their own kinds and amounts of awards.
- Approve awards up to $10,000 (up to $25,000 with OPM approval).
- Design awards programs to meet specific goals (e.g., productivity improvement, equal employment opportunity, energy conservation).
- Grant meaningful awards to employees at *all* levels.
- Directly relate individual and organizational performance to cash awards.
- Provide immediate cash awards for one-time contributions (e.g. an excellent paper, completed project or specific assignment).
- Develop group incentives that provide cash rewards when production standards are met.

Basic Requirements—There are, however, several basic requirements. For example, your agency must delegate authority and responsibility for approving awards to the lowest practical level. And you *must:*

- Use performance appraisals to consider awards for individuals.
- Use results of normal management reviews (e.g. internal audits, management by objectives, zero based budget) to identify outstanding group efforts.
- Consider whether supervisors encouraged suggestions and have used awards to motivate their employees when you

Basic Types of Recognition

Recognition	*Nature of Contribution*
Honor Awards (Federal, Non-Federal, Department, Agency or Bureau) for individuals or groups	A suggestion, invention, special achievement, or other personal effort that contributed to improved Government operations, equal employment opportunity, energy conservation, etc.
Special Achievement Award a) For sustained superior performance—for individuals only	Individual performance which exceeded normal requirements and was sustained over a significant period
b) for special act or service —for individuals or groups	Performance that has exceeded job requirements as a one-time occurrence, e.g., overcoming unusual difficulties on a particular project or assignment or exemplary or courageous handling of an emergency situation related to official employment
Quality Increase—for individuals not covered by merit pay or SES only	High quality performance, above that normally found in the type of position concerned, sustained over a period of service in the job upon which to base this conclusion
Suggestion Award—for individuals or groups	An adopted suggestion, whether adopted as submitted or in part, that directly contributes to economy or efficiency, or directly increases effectiveness of Government operations

Available for Federal Employees

Requirements that must be met	*Description of Award*
Those specified in appropriate announcement inviting nominations or in Department and Agency regulations	Usually takes the form of a medal, plaque or certificate
One or more of the most important job elements must have been performed in a manner substantially exceeding normal requirements and the employee's total performance must be of a higher level than that required to merit a regular within-grade increase.	The amount normally relates to the employee's salary. An honor award may be granted in addition to or instead of, a cash award, if appropriate.
	Cash award from $25 to $25,000. The amount is in proportion to the benefits realized by the Government. An honor award may be granted in addition to, or instead of, a cash award if appropriate.
All of the most important job elements must have been performed in a manner substantially exceeding normal requirements, performance of other job elements must have exceeded normal requirements, and the performance must give promise of continuing at the same high level in the same position.	An additional within-grade increase which indefinitely raises the employee's salary. An honor award may be granted in addition to a Quality Increase if appropriate.
The suggestion must be outside the suggester's job responsibilities or, if within them, so superior that it warrants special recognition and must not concern employee services or benefits, working condition, or housekeeping..	Cash award from $25 to $25,000. The amount is in proportion to the benefits realized by the Government. An honor award may be granted in addition to, or instead of, a cash award, if appropriate.

recommend a supervisor for an award or pay increase based on sustained superior performance.

- Act promptly on employee suggestions and performance award recommendations (30 days for local cases, 60 days for those requiring higher level approval, and 90 days for those which must go to agency headquarters).
- Consider incentive awards when qualifying and selecting employees for promotion.
- Justify awards in writing.
- Make sure there are funds available to pay the award.

Types of Awards—There are two categories of awards, *honor* and *cash*. Both can motivate. But consider the nature of the contribution, and the needs and interests of the employee. For example, while it may be more appropriate to grant an honor award to an individual for long and distinguished service, cash awards might be considered appropriate for a group of employees who have produced an excellent product or completed a complex assignment in an outstanding way.

Quality Step Increases (Chapter 5)—Individuals in the General Schedule only may be awarded quality step increases (QSI) for performing, and being expected to continue performing, their duties in an exceptional manner. OPM requires that your recommendations for QSI's be in writing and show why the employee's performance exceeds that normally expected for the position in the most important job elements. Only one QSI may be granted to an employee during a single 52 week period. Supervisors and managers covered by the merit pay system or career SES members may *not* be granted a QSI.

Group Recognition Promotes Teamwork—Because teamwork is so important to your unit's effectiveness, consider group awards when the product or contribution is the result of team effort. Just as you judge an individual by comparing performance with a standard, reviewing organizational results will help identify superior group efforts. There are advantages and disadvantages to group awards. On the plus side, they encourage cooperation and team effort and relate recognition to organizational achievement. On the minus side, they are less personal and those who contributed substantially more than others may not

receive proportionately larger awards. Always try to determine the best way to share the total award (e.g., should it be shared equally, or in different amounts because certain individuals contributed more than others). Involve the unit's supervisor in deciding how a group award should be shared.

Nominating Process—Nominating an employee or a group for an award doesn't require a lot of paperwork. Agency forms and procedures vary but there are four basic rules to follow:
1. *Be Brief*—generally not more than one page of justification;
2. *Be Factual*—use precise statements concerning work product or measurement compared with requirements;
3. *Be Objective*—cover specific elements of job performance rather than personality traits; and
4. *Identify Benefits*—whenever possible, clearly identify benefits resulting from the outstanding performance.

Manager's Role—Wherever you fit in the organization, you are indispendable to a successful incentive awards program. Some of the things you can, and should do, are:

- Assure that award recommendations are objective and factual, that the award is appropriate and that all criteria are met.
- Make sure there is an annual awards budget so that you can grant cash and honor awards and pay expenses connected with presentation. Since awards normally are paid from salaries and expenses funds, a logical way to budget for them is to allocate a certain percentage of payroll costs for this purpose.
- Assure that suggestions are acted on *promptly,* efficiently, and completely.
- Make sure your employees know that you do *encourage* constructive suggestions and recognize superior performance. For example, periodically ask employees and supervisors to identify problems (waste, time loss, duplication, etc.) in their operations and encourage them to use the suggestion system to provide solutions.
- Review results periodically to make sure all deserving employees are recognized—either through promotions, quality step increases, cash or honor awards, letters of commendation or informal recognition.

- Use other means of recognition such as a special "thanks for a job well done," or greater responsibility, or, a desirable assignment or training opportunity.
- Participate enthusiastically in awards presentations and work with your public affairs office to make sure your employees' achievements are *publicized* throughout your organization and the community.
- Be prepared to respond to individuals in your organization who claim that they deserve to be promoted or recognized through awards, by granting awards only where fully deserved, to those who meet the criteria, and with full explanation to others as to the specific reasons. In this way, you will maintain employee confidence in the value and integrity of awards granted in your organization.

Incentive Awards 1978—Measurable benefits for Fiscal Year 1978 from employee suggestions, inventions, and other achievements beyond job requirements increased 39.7 percent over the previous year. Total benefits reached over $318 million.

- More than 1,300 civilian employees and military personnel received a Presidential letter of commendation for their outstanding contributions which saved the Government $5,000 or more or represented exceptional management improvement in an area of high Presidential interest or concern.
- Approximately one out of every twelve employees received recognition in the form of a cash or honorary award or a QSI.
- Generally, there was a proportionate number of awards presented to employees within major grade groups.
- The total amount of cash awards granted, $28,889,567, represented approximately 1/10 of 1 percent of the Federal civilian payroll costs.
- For every dollar paid in awards, the Government realizes benefits of approximately $11.

Questions and Answers

1. Q. I'd like to be able to grant employees small incentive awards at the time they earn them. How can I avoid the long delays?
   A. Authority to approve awards should be delegated as far down in the organization as practical, and you don't need committees to decide on minor awards. Usually, only two people need be involved—one to recommend and one to approve. There's no reason to delay granting deserved awards—in one page you can explain how and to what extent the employee exceeded normal performance standards, and what the benefits were to the Federal government. If awards checks can't be issued promptly, publicly present a certificate immediately and the check later.
2. Q. Many of my staff do routine work, and don't have much satisfaction from their jobs. As a result, morale is low and turnover high. What can I do?
   A. If a number of people are involved in the same kind of work and their production is measurable (e.g. key punch operators), a system of cash awards for those who exceed the production standards can be established. The Departments of the Navy, Commerce, and Treasury are using this type of program. Get advice and technical assistance from your agency incentive awards staff or from the Incentive Awards Branch, OPM. In other instances, verbal or written commendations, special assignments, or cash awards for those who perform substantially beyond normal requirements are appropriate ways to motivate employees.
3. Q. One of my employees is very competent. She complains because she is doing so much more than the others. I've recognized her competence through an award, but that's not enough. How can I keep this valuable employee when there's no higher grade job available here?
   A. One way would be by granting a Quality Step Increase. General Schedule employees not covered by merit pay (who perform all the major tasks of their job substantially above normal standards, and show promise of

continuing at the same high level) are eligible for a QSI (a within-grade increase in addition to the employee's regular within-grade increase).

4. Q. I want to promote an employee who I think is deserving, but I can't convince Personnel. If I am the best judge of my own staff's ability how can I reward the good workers if Personnel won't let me?
   A. Incentive Awards and other forms of recognition never should be used instead of promotion. But the QSI (or merit pay increase for those covered) is an excellent way to recognize persons who consistently perform at a higher level than others doing the same king of work. (Q13, Chapter 1)

5. Q. We can't seem to get and keep enough clerical staff. There is apparently a shortage in this area. Personnel says there's nothing they can do, but that's no answer. What can I do?
   A. If there is a shortage of clerical personnel in your area, and it will benefit your organization to hire and retain competent clerical employees, you could establish a special awards program for those who successfully recruit new clerical staff who stay in the job. (Q3, Chapter 1)

6. Q. What are the limits on award amounts?
   A. Cash awards of up to $10,000 can be approved by your agency head, and up to $25,000 with OPM approval. The President may approve awards in addition to those granted by agencies. Awards up to $25,000 may be approved for military personnel by the Secretary of Defense.

7. Q. Can a suggester appeal the non-adoption of a suggestion or the non-approval of an award?
   A. No. These are specifically excluded from the grievance procedure. But a request to reconsider may be appropriate and should be judged on its merits. If further information provided indicates that a reevaluation is warranted, this should be done promptly; if not, the employee or recommending official should be told why.

8. Q. How are awards calculated?
   A. When a suggestion, invention, one-time performance contribution by an individual, or a group effort results in tangible benefits, the amount usually is based on estimated net savings (tangible benefits) during the first year of operation. When benefits are intangible (i.e. non-measurable—such as improved procedures, products, programs, activities, or service to the public), the award is based on the extent of application within the organization and the value of the benefits. When both tangible and intangible benefits result, the award is based on a combination of the two. When the award is for individual sustained superior job performance, the amount normally is related to the employee's salary. Consult your agency's awards scales.

9. Q. When is a Quality Step Increase not appropriate?
   A. A QSI may be granted only when agency management has funds for it. And, it is not appropriate when the employee:
      - is nearing retirement and would benefit only for a short time.
      - is about to receive (or just received) a promotion, which included consideration of high-level performance.
      - has been detailed to another position.
      - has not been in the same job for the required time.
      - is transferring to another position (whether within or outside the agency).

10. Q. Does the timing in granting a QSI make any difference in terms of employee benefits?
    A. Yes. If the employee is eligible for a within-grade increase, be sure that these actions are processed in the most beneficial sequence. For example, if a QSI will place the employee in the 4th or the 7th step of the grade (where the waiting periods increase by one year) it's best to process the within-grade increase *before* the quality increase.

11. Q. What use are honor awards—don't employees prefer cash?

A. Employees' motivational needs differ, and honor awards recognize distinguished, career-oriented achievements for persons who usually have received many smaller awards, including cash, during their Government service.

12. Q. How do I recommend an employee for a high honor award?
    A. For agency honor awards, consult your agency regulations. Other honor awards usually are announced by your agency. Ask your local Incentive Awards Administrator.

13. Q. What can I do if my award recommendation is not approved?
    A. Most agencies provide for reconsideration if you present more facts. Because an award recommendation may not be approved, don't discuss it with the employee beforehand.

14. Q. Why does the Federal Government have an employee suggestion program?
    A. Both industry and government experience shows that a *well-run* employee suggestion program provides opportunities for the organization to tap the creativity of its principal resource (employees) and for employees to benefit through self-expression, direct involvement, and recognition. In terms of benefits, the average adopted suggestion has first year measurable benefits of over $3,000, and one out of four suggestions is adopted.

15. Q. How does this program compare with those in private industry?
    A. Government and industry programs are similar, but Federal programs are tailored to each agency's needs, permit all employees to participate, provide a scale of awards up to $25,000, and encourage the full use and recognition of employees' ideas by referral throughout Government.

16. Q. Why should I encourage employees to participate in the suggestion program?

A. By demonstrating sincerely that you want ideas for improving operations, and by helping employees develop good ideas and get them adopted, you gain respect and confidence. At the same time you benefit from more efficient operations, reduced waste, increased productivity, improved working conditions and better employee morale and employee-supervisor relations. Encourage employees by taking time to talk about work problems, inviting their ideas for improvement, and acting quickly on suggestions.

17. Q. Should I help employees prepare their suggestions?
    A. Yes—often you are in the best position to know the value or potential of an idea and can help both in thinking it through and putting it in writing.

18. Q. Why bother with awards? Employees get paid to do their job!
    A. Awards are one way to recognize differences among poor, average, above average, and outstanding performers. Together with the authority to grant a QSI, or grant or withhold a within grade increase, awards permit a wide and flexible range of compensation to recognize different levels of performance.

19. Q. Can anybody recommend an award?
    A. Normally an award recommendation is made by the employee's immediate supervisor and receives one level of review.

20. Q. How many of my employees should I recommend for an award each year?
    A. Awards should be based strictly on merit; there is no "quota" or other guide. A group that has made outstanding contributions may well recommend a high percentage of its personnel for awards, whereas a unit with a poor record may recognize only a few, or none, of its employees. Your Incentive Awards Administrator can provide information on your agency's awards results.

21. Q. When do I recommend an award for an employee?
    A. Awards have their greatest motivational impact when they follow closely the performance being recognized. There-

fore, when an employee completes a special project or assignment in an outstanding manner or does something particularly noteworthy, recommend and present the award *immediately*. Other performance awards should be recommended after carefully observing an employee's performance over a long enough period that you are satisfied the high level is typical, and you should use the agency's performance appraisal system in making your determination.

22. Q. What is meant by a Special Act or Service Award?
    A. These awards recognize one-time, non-recurring achievements, such as superior completion of special assignments or projects, or outstanding performance while on detail. They also are used to recognize superior group accomplishments.

23. Q. Are all employees eligible for a Quality Step Increase?
    A. No. Only GS employees not covered by merit pay are eligible for QSI's. Ineligible are employees at the top step of their grade, those who have received a QSI in the preceding 52 weeks, and those whose appointment carries a time limitation.

24. Q. What should I do if an employee really merits a QSI but is ineligible because of other reasons?
    A. Consider another form of recognition. For example, a cash award for sustained superior performance would be appropriate. A lump-sum cash award might also be granted when an employee is at the statutory salary ceiling, where a QSI would not increase take-home pay.

25. Q. Why is a QSI harder to get when both the QSI and Special Achievement Award recognize sustained superior performance?
    A. Because the standards are higher for a QSI, and the average QSI costs more and benefits the employee for about four years. Accordingly, they should be granted only to those who merit faster than average salary advancement and whose performance is expected to continue indefinitely at the same level.

26. Q. How do I decide between a Special Achievement Award

for sustained superior performance and a QSI?

A. A Special Achievement Award is based only on past performance, and the employee's performance is required to substantially exceed what normally is expected in only *one* major aspect. A QSI is based on both past and projected performance, substantially exceeding normal requirements in *all* major aspects.

27. Q. Are all ideas eligible for consideration as suggestions?

A. No. Ideas which directly increase economy, efficiency or effectiveness of operations are eligible; those ineligible include: (1) ideas which call attention to the need for routine maintenance or repairs, such as painting, replacing light bulbs, etc., or concern services or benefits to employees; (2) ideas on which processing costs exceed the benefits; and (3) ideas on routine safety.

28. Q. Must suggestions be submitted in writing?

A. Yes, and employees should be encouraged to use the agency's suggestion form, because this protects the employee's rights to the idea.

29 Q. Who evaluates suggestions and how long should it normally take?

A. Those responsible for the subject covered by the suggestion are responsible for evaluation and determining the benefits. Normally, suggestions which can be adopted locally should be completed within 30 days, those which require higher level approval within 60 days, and those which require agency headquarter's approval within 90 days.

30. Q. What should be included in an evaluation to assure that the suggestion has been given full consideration?

A. An evaluation should contain a clear, complete, and objective analysis of the employee's idea. If the suggestion isn't adopted, the reply should fully explain why, and encourage the employee to continue to suggest. If the suggestion is adopted, consider whether it could benefit other parts of your agency, or other Federal agencies, and recommend that it be referred to them.

31. Q. If an adopted suggestion concerns a matter that is part of

the suggester's job, should an award be granted?

A. A cash award may be granted for a suggestion within an employee's job responsibilities if it is so outstanding that it warrants special recognition.

32. Q. What happens to the "savings" from adopted suggestions?

A. Adopted suggestions typically involve (1) more efficient ways of doing things, in which case the "savings" are represented in increased productivity, and (2) greater economy in producing or maintaining materiel or equipment, in which case the savings may be channeled into other activities.

7

Performance and Conduct

***Chapter 7* Highlights**

What types of discipline and adverse action procedures are there?

When should you consider them?

What's the difference between "unacceptable performance" and other problems leading to adverse actions?

How can managers effectively deal with these situations?

In an ideal world, the performance and conduct of all employees would be fully acceptable. Unfortunately, it just isn't so. By far, the great majority of Federal employees are self-disciplined and well-motivated to work for their own, the agency's, and public's best interest. Many marginal performers can be coached and motivated to become productive employees. Much of what's contained in the other chapters of this handbook concentrates on your role in motivation, proper recognition, thoughtful performance appraisals, equitable work assignments, training, counseling, a real consideration of employees' viewpoints in joint goal setting, and numerous other duties. But sometimes you will have done all the right things and still have some employees who aren't doing work expected of them or whose conduct caused problems for themselves and others. Perhaps you've just taken over a demoralized, unproductive office where the employees have been getting away with as little work as possible, abusing leave, lunch hour benefits, etc. What do you do now?

Take Action—Realize that you are the one who must deal with the situation, now. Don't let it slide. One criterion for appraising senior executives or setting merit pay for managers and supervisors is: ". . . indication of the effectiveness, productivity, and quality of the employees for whom (the senior executive manager) is responsible. . ."[1] You must make certain that employees are doing acceptable work. Obviously, it is better to try to overcome minor conduct or other problems in an informal way. But if the problem persists, take action.

Categories—There are basically two kinds of reasons for taking actions against employees, *performance* and *conduct.* The law and OPM regulations call for an entirely different procedure for each. The differences are such that they are treated in separate parts of Title 5 of the Code of Federal Regulations.[2] OPM and your agency should have further guidance and information on major changes resulting from the Civil Service Reform Act.

Unacceptable Performance

An employee may be reduced in grade or removed for unac-

[1] 5 U.S.C., Sections 4313(4), 5402(b)(2)(IV)

[2] C.R.F., Part 432 and 5 C.F.R., Part 752

ceptable performance, i.e., when an employee is not performing acceptably in one or more critical elements of the job. You can take an action at any time in the performance appraisal cycle when you believe performance has become unacceptable. (Chapter 3)

Opportunity to Demonstrate Acceptable Performance—An employee must be given an opportunity to demonstrate acceptable performance before an action is proposed. The opportunity must include a reasonable time commensurate with the duties and responsibilities of the employee's job which will enable the employee to show that he or she can meet established minimum performance standards for the critical elements of the job. When the employee fails to show acceptable performance, an action may be proposed.

Procedural Requirements—Once you have decided to propose a reduction-in-grade or removal for unacceptable performance, you must meet the procedural requirements of law and regulation if your action is to be sustained on appeal or in a grievance. (Chapter 8) One main point of interest is that you no longer have to prove that an action based on performance has been taken for "such cause as will promote the efficiency of the service." You need show only that the employee has failed to perform acceptably in one or more critical elements of the job. A second point is that the degree of evidence or proof required to support your action (if an employee appeals) is less than that for adverse actions taken for other reasons. In establishing your record and to support your action, it is extremely important to have documentation concerning:

- Work products that fail to meet previously set standards of performance.
- The reasonable time and opportunity given the employee to show acceptable performance.
- The employee's performance during the opportunity period.
- Various procedural steps followed in proposing and deciding on the action.

Your personnel office can help you prepare this documentation so that it complies with the requirements of the Privacy and Freedom of Information Acts and provides the degree of evidence required by law. You may also want to consult with

your agency's General Counsel prior to taking an adverse action.

Time Limits—Certain time limits have been set. The law allows only a 30 day advance notice unless an agency's own regulations provide up to 30 additional days. Beyond this 60 day period any further extension of the notice period must be approved by OPM. The agency must make its final decision no more than 30 days after the notice period expires. If you do decide to reduce in grade or remove an employee, you may base your decision only on instances of unacceptable performance within the last year. This protects the employee, but primarily assures that you not delay actions when they are warranted.

Appeal and Grievance Rights (Chapter 8)—In unacceptable performance actions, employees generally have appeal rights to the Merit Systems Protection Board, or, where applicable, may appeal under negotiated grievance procedures, but not both. However, coverage under procedural rights and appellate rights is *not* identical. Certain employees in the excepted service who are not veterans are entitled to the procedural rights, but have no appeal rights.

Misconduct and Other Nonperformance Problems

Employee misconduct, abuse of leave, tardiness, abuse of lunch hours or coffee breaks, failure to comply with the agency's procedures, or any other breach of the employee/employer relationship are examples of problems for which disciplinary actions may be appropriate. Such actions range from admonishments, warnings and oral or written reprimands to suspensions, reduction-in-grade or pay, or removal. Many agencies have formalized these in tables of penalties or guidelines for corrective action.

Your Choices—What you are trying to find, naturally, is the *minimum* discipline likely to solve the problem, so that the employee will not be penalized out of proportion to the offense. This is particularly true of an employee who previously had a satisfactory record. Using the least severe penalty possible also allows you to establish a record of progressively severe

discipline, which you may need later if major adverse action is necessary. Sometimes, the misconduct will require severe action immediately. Sometimes also, your agency's mission will require a more severe penalty for the same offense than would be warranted in another agency. An often-given but nonetheless good piece of advice is to impose like penalties for like offenses. Merit principles require "fair and equitable treatment in all aspects of personnel management," and say that employees should be protected against arbitrary action. However, the specific offense, mitigating circumstances, or a previous record of poor conduct may require different corrective actions or penalties when two or more employees are involved in the same offense or misconduct. Your personnel office can provide advice on the appropriate action.

Procedures—If you decide that the only solution to the problem is a suspension, reduction-in-grade or pay, or removal, you must comply with appropriate statutory and regulatory procedures. Some agencies have procedures for these and for lesser actions. If you have established and documented a record of progressive corrective action, your later proposal to take severe adverse action will be easier to sustain on appeal. Often, too, a record of progressive discipline will support a removal for the last in a series of minor infractions which by itself would not support removal. Always keep records to later document any proposed action. Of course, your notes are for your eyes alone, not to be circulated. The standard for adverse actions in these situations is "such cause as will promote the efficiency of the service." You will need to provide a "preponderance" of evidence for your action to be sustained on appeal. You should know that there are *no* appeal rights to the MSPB for suspensions of 14 days or less. Both the merits and the procedures of these suspensions are grievable.

Prohibited Personnel Practices—Disciplinary or corrective actions should only be taken to further the agency's mission and, if possible, to correct an employee's behavior or performance problems. They should never be taken on the basis of personal animosity or for other prohibited reasons. For example, you may not take an adverse action or other disciplinary or corrective action for reasons involving:

- Discrimination.

- Reprisal for refusal to engage in political activity.
- Whistleblowing.
- Exercise of an appeal right.

You also may not take these actions in violation of any law, rule, or regulation.

Other Actions—There are other actions against employees which have not been discussed in this chapter, in which you may get involved:

- Separations of competitive service employees serving a probationary or trial period.[3]
- Suitability disqualifications.[4]
- Adverse actions taken in the interest of national security.[5]
- Removals and other adverse action directed by OPM.[6]
- Removals or suspensions for more than 14 days of career appointees in the Senior Executive Service. (Chapter 15)

Special problems arising when action for unacceptable performance or adverse actions become necessary against employees who have a problem with alcoholism or drug abuse are dealt with in Chapter 12.

Questions and Answers

1. Q. A female employee comes to work in skin-tight jeans and a skimpy blouse. Or, a male employee comes in in skin-tight jeans and mesh tank top. Either of these disrupts the office. What can I do?

   A. An informal talk with the employee would be the first and maybe the only step necessary, to make him or her aware that today's dress standards, though informal, don't permit wearing recreational attire in an office. Your agency may have a dress code, or may have established practices to cover situations where one person's dress disrupts others' work. If anything more formal than a quiet talk is required, check with the personnel office to see what's appropriate.

[3] C.F.R., Part 315.
[4] C.F.R, Part 731
[5] C.F.R, Part 732
[6] C.F.R., Part 754

2. Q. I inherited an employee who has been allowed to coast for years before I became his supervisor. Most of the problems I think lay with the previous manager who was lax and sloppy. What can I do?

   A. You must first be sure that the employee knows exactly what is expected of him, both in terms of performance and in terms of agency requirements and practices, including standards of conduct. If, as you say, the fault lay mostly with the previous manager, the employee has potential that you can work with. Sit down with him and together set short-term, realistic goals so that he'll have something immediate and concrete to work towards. You obviously will have to spend more time than usual with this individual for some time. If he doesn't shape up eventually, you'll have to decide what corrective or disciplinary action is necessary.

3. Q. One of my employees has a poor attendance record and continues to take leave without requesting it, despite counselling and our denial of approved leave. Beyond this, we have found her performance to be unsatisfactory. We feel she has been given enough opportunity to show acceptable performance, and have reached the point where her poor attendance and unacceptable performance combined have made us think that we should remove her. Under what procedures do we do this—those of performance-based removals or those for adverse action removals?

   A. Interim Part 432 of Title 5, Code of Federal Regulations covers reduction in grade and removal based *solely* on unacceptable performance. Since the action you are considering would be based on performance and conduct, the procedural rights of Part 752 of Title 5, Code of Federal Regulations apply.

4. Q. I proposed to suspend an employee for 20 days but haven't yet issued the decision letter. Since I proposed it, I've received further information that makes me think that what he did was more serious than I realized. Can we go ahead and remove him?

   A. You can, but only if you cancel the suspension and

issue a new notice of proposed removal based on the reasons for the suspension, along with the further reasons that led you to believe the removal had become necessary. Never take a more serious adverse action based on the proposal to take a less serious one. You must give the employee the opportunity to reply to any reasons you have for taking an action.

5. Q. Suppose on the other hand I receive information after I propose a 20 day suspension that makes me think it was too harsh a penalty. What then?
   A. You can *always* lessen the action you've proposed, or cancel it entirely, if you believe it's the proper thing to do.

8

Appeals and Grievances

***Chapter 8* Highlights**

What are the differences between appeal and grievance procedures?

What rights of appeal do employees have?

What proof is required to sustain a manager on appeal?

Who reviews your decisions?

Many of your decisions will be subject to review by someone else. Some are appealable to the Merit Systems Protection Board (MSPB) or to OPM. Some are grievable under negotiated procedures and may even go to arbitration. Others are grievable within your agency. Your actions are subject to complaints of discrimination and to investigations of the Special Counsel (within MSPB). Some discrimination complaints may be made to the Equal Employment Opportunity Commission (EEOC). And finally, a court may take a look at a few of your decisions.

Employee rights to review have been provided in Federal statute, by OPM regulation, by the head of your agency, or by a collective bargaining agreement. Because of these multiple employee rights, you need to be aware of both the procedural restrictions and the standards of merit which govern your decisions. But, perhaps more important, you need the name and telephone number of a personnel or labor relations expert in your agency who can give you advice when you have a problem.

Appeals

Generally, "appeal" refers to an employee's request for review of an action to an outside agency, e.g., the MSPB or OPM. Appeal rights may only be provided by statute or regulation. For example, an employee may appeal to the MSPB a removal or reduction-in-grade based on unacceptable performance.[1] An OPM regulation provides for a review by OPM of a claim denied by a health benefits plan to determine whether the denial is in accord with OPM's contract with the insurance carrier.[2]

Appeals to MSPB—On appeals to MSPB, employees have a right to a hearing and to be represented. They must petition for review of an agency action no later than 20 days after the effective date of the action appealed. The MSPB has issued implementing regulations on appeal procedures.[3]

Standards of Evidence—Two different standards of evidence are involved in appeals to MSPB. Except for actions based on

[1] 5 C.F.R. 432
[2] 5 C.F.R. 890
[3] 5 C.F.R. 1201

unacceptable performance, the Board shall uphold the decision of the agency when that decision is supported by a "preponderance of the evidence." This has been defined as evidence outweighing that presented by the employee. The standard for removals and reductions-in-grade because of unacceptable performance is "substantial evidence." "Substantial evidence" has been described as that evidence which a reasonable person would accept as convincing. An agency decision *may not* be sustained by MSPB, however, if the employee shows:

- Harmful error in agency procedures (e.g., not allowing at least seven days for the employee to reply).
- The decision was based on a prohibited personnel practice (e.g., reassigning an employee to a less desirable position as a reprisal because the employee appealed and won an adverse appeal).
- The agency decision was illegal (e.g., a suspension for clearly arbitrary and capricious reasons).

OPM's Role in Appeals to MSPB—The MSPB is an independent agency established to adjudicate certain appeals and order corrective action on violations of law or regulation, conduct special studies regarding the competitive service and other merit systems, and review OPM's regulations. The Director of OPM has a right to intervene or otherwise participate in an appeal to MSPB when:

- Interpretation or application of any civil service law, rule, or regulation under OPM's jurisdiction is at issue.
- The Director decides that an erroneous decision would have substantial impact on any civil service law, rule, or regulation.

To fully exercise this right, OPM's Director depends on information from you, the manager, about pending appeals which you believe meet these criteria.

Appeals to OPM—An appeal to OPM is an administrative review of a subject matter decision for which OPM has final decision-making authority. For example, a candidate may appeal an examination rating,[4] or an employee may appeal his or her job classification.[5] Procedures for such reviews vary, but

[4] FPM Chapter 337
[5] 5 C.F.R. 511, FPM Chapter 511

they are usually made by the OPM office responsible for the particular subject matter program. OPM's decision is final.

Grievances

A grievance has been defined as a request by an employee for personal relief concerning a matter under control of agency management. There are two grievance systems—an *administrative* grievance system provided by each agency under OPM regulation, and a *negotiated* grievence system provided by a collective bargaining agreement between a union and agency management. (Chapter 11)

Negotiated Grievance Procedures—Under law, any collective bargaining agreement must provide procedures for settling grievances, including arbitration as a final step. Procedures must be fair, simple, and expeditious. They must permit the exclusive representative the right to present a grievance for the employee or the union, or to be present when an employee presents his own grievance. They are the exclusive procedures for resolving grievences for employees and subjects covered by the agreement. Either the exclusive representative or the agency—but not the employee—may invoke binding arbitration. Specifically exempted from negotiated procedures are:

- Alleged violation of prohibited political activities.
- Retirement, life insurance, or health insurance.
- Suspension or removal in the interests of national security.
- Any examination, certification, or appointment.
- Classification of any position which does not result in reduction of an employee's grade or pay.

With these exceptions, unless the matter has been excluded by the collective bargaining agreement, the negotiated procedure may cover any matter of concern to the employee regarding the employee-employer relationship except for those matters reserved to management, e.g., the authority to discipline employees. Coverage of negotiated procedures is, therefore, defined by exclusion, whereas appeal rights are specifically granted.

Employee Choices—Employees who are members of an exclusive bargaining unit have little choice in selecting remedial procedures. The negotiated procedures are exclusive when the employee and the subject are covered by the agreement ex-

cept: (1) A bargaining unit employee affected by prohibited discrimination covered by a negotiated procedure may raise the matter either under the negotiated or statutory procedures, *but not both;* and (2) an adverse action or an action based on unacceptable performance may be appealed to the MSPB or grieved under applicable procedures, *but not both.* When the negotiated procedure is selected, and when prohibited discrimination is an issue, the employee still may ask MSPB (if the matter is otherwise appealable) or the EEOC (if not otherwise appealable) to review the decision reached through the negotiated procedures. Also, a decision under negotiated procedures on an adverse action or an action based on unacceptable performance is reviewable by MSPB only when discrimination is an issue. When the negotiated procedures end in arbitration, the arbitrator is required by law to apply the same standard of appellate review as MSPB, and the arbitrator's award is subject to review by the courts.

Administrative Grievance System—OPM requires each agency to establish and administer an administrative grievance system which provides agency procedures for employees not covered by negotiated procedures.[6] The grievant must not be restrained, interfered with, or coerced in presenting a grievance. She has the right to representation and a reasonable amount of official time if in a pay and duty status. The system requires informal resolution of the grievance at the lowest possible level, and under certain circumstances, referral to an objective examiner for appropriate injury or resolution. Individual grievance decisions are not reviewable by OPM, although OPM reviews each agency system to determine whether it meets regulatory requirements.

Different in Coverage—Administrative grievance coverage is different from that under the negotiated system. In the first place, appealable matters are not grievable under the administrative system. Also, OPM excludes, for example: the content of agency policy; a preliminary warning or notice of an action which, if taken, would be covered under the grievance system or subject to final review outside of the agency; and nonselection for promotion from a group of properly ranked and certified candidates. Except for the specific exclusions, an employee covered by the adminis-

[6] 5 C.F.R. 771, FPM Chapter 771

trative grievance system may grieve any matter of concern or dissatisfaction subject to the control of agency management, provided there is a request for appropriate personal relief. You'll find specific procedures and delegations for administrative grievances in your agency's regulations.

Complaints to Special Counsel

The Special Counsel within the MSPB is responsible only to the President. The Civil Service Reform Act authorizes the Special Counsel to receive and investigate allegations of prohibited personnel practices (for example, a recommendation to remove an employee because of refusal to campaign in a national election, or hiring a relative). The Special Counsel may also receive and require the investigation of certain disclosures made by a whistleblower. The Special Counsel also issues regulations under the Hatch Act, and investigates violations of that Act.

Corrective Action—As a result of an investigation by the Special Counsel, or a report of an agency investigation, the Special Counsel may recommend corrective action to the agency where there are reasonable grounds to believe that the agency violated a prohibited personnel practice. In fact, the Special Counsel can ask the Board to "stay" a personnel action whenever it is felt there are reasonable grounds to believe the action was based on a prohibited personnel practice. If corrective action isn't taken within a reasonable time, the Special Counsel may ask the MSPB to order the corrective action, including disciplinary action. There are procedural rights for the person against whom a disciplinary action (removal, reduction-in-grade, debarment from Federal employment, suspension or reprimand) is proposed by the Special Counsel. Finally, an employee cannot be disciplined for any alleged prohibited or related activity if it is under investigation by the Special Counsel, without the Counsel's prior approval.

EEO Complaints

EEOC has authority to enforce the law on discrimination on the basis of race, color, religion, sex, national origin, age, or handi-

cap. It also provides procedures for resolving discrimination complaints in each agency and for appeals to EEOC. An employee or job applicant who alleges discrimination on an action otherwise appealable to MSPB, may have both the issue of discrimination *and* the appealable action decided under MSPB procedures. Or, a complaint of discrimination on the action may be filed with the employee's agency or grieved under applicable negotiated grievance procedures. The matter may be appealed to the MSPB when the agency does not reach a decision within 120 days, or when the employee wants the agency decision reviewed. He may ask the EEOC to review the Board's decision, but a review panel will make the final administrative decision if EEOC and the MSPB cannot agree.

Exceptions to Arbitration Awards

Either the employee or the agency may file with the Federal Labor Relations Authority (FLRA) an exception to any arbitrator's award within 30 days of the date of the award. However, awards on adverse actions and actions based on unacceptable performance are subject to court review only.

Judicial Review

In general, an employee must complete administrative procedures before an appeal may be filed with a court. For example, an employee or job applicant may request judicial review of an adverse order or decision of the MSPB. A petition to review an MSPB order or decision must be filed in the Court of Claims or a U. S. court of appeals within 30 days. Discrimination decisions may be reviewed by the courts after receipt of a final agency decision, a decision of the Board on a matter appealed to the Board, a decision of EEOC, or after a decision of a special panel when the Board and EEOC don't agree. An arbitrator's award on an adverse action or an action based on unacceptable performance is reviewable by the courts. A person agrieved by a final order of the FLRA (with two exceptions) may ask a court of appeals for review within 60 days of the issuance of the order.

Questions and Answers

1. Q. How can an appeals officer from an outside agency decide whether I should have fired one of my employees because she couldn't do the job?
   A. The appeals officer can examine the records concerning the action, including a transcript of the hearing, to determine:
   — whether you complied with mandatory statutory and regulatory procedures, and
   — whether you presented evidence to support the action which would convince a reasonable person that the employee failed to meet the performance standards in one or more critical elements of the position.

2. Q. How can an outsider determine that my action to remove one of my employees for misconduct was for "such cause as will promote the efficiency of the service?"
   A. A preponderance of the evidence which you present as the basis for your action must show the Board that you did not act in an arbitrary and capricious manner, and that the employee's conduct disrupted the work of your office or reflected adversely upon the agency. Your evidence in support of your action must be greater than that presented by the employee. And, your action may not be sustained if you have made a harmful procedural error or violated any law or engaged in a prohibited personnel practice.

3. Q. What do I do when I think an MSPB decision is wrong?
   A. Get in touch immediately, through the installation personnel office, with your headquarters personnel office. A specialist there may wish to consult with OPM to determine whether reopening should be requested and whether OPM will join in the request.

9

Attendance and Leave

***Chapter 9* Highlights**

Can managers effectively control employee attendance and leave?

What variations of work schedules are possible?

What are the various types of leave and how are they to be used?

Under what circumstances should managers grant each type?

Basic References: FPM Chapters 610, 620, 630

Supervisors often complain they have no control over the comings and goings of their employees. Usually someone higher in the organization sets the time employees come to work and go home, including when they go to lunch or on breaks. Although it is generally true that you don't have broad authority to set the times your employees work, you do have the responsibility and authority to make them adhere to applicable work schedules. And, you do have the authority to allow certain deviations or adjustments to the work schedule for specific purposes.

Supervisors also bemoan the fact that they have little or no control over their employees' use of leave and, therefore, over their scheduled work, because employees are entitled to take time off. Even so, you as a supervisor have the authority to control most situations. Properly managing your employees' leave helps both you and them. You share the responsibility for its scheduling and use. Managing leave properly will help you plan and schedule your work. Employees, in turn, will in most cases be able to use their leave when they request it.

This chapter discusses the extent of your authority concerning work schedules and leave, as well as limitations on that authority. It will attempt to help you with some common problems, and suggest avenues you can explore for further assistance.

Hours of Work

Establishing Work Schedules—The head of the agency (or an official with delegated authority) is required to establish a work schedule of 40 hours per week for full-time employees. Normally, this means five consecutive eight-hour days followed by two days off. The person who sets the work schedule can make exceptions if the norm would seriously handicap the organization in carrying out its functions, or involve substantially increased costs. However, employees must work their 40 hours within a period of not more than six of any seven consecutive days.

Adjusting Work Schedules—Managers may adjust individual work schedules for training or educational purposes related to

agency work. (Chapter 4) Also, you can accommodate an employee's need for time off for religious purposes with temporary adjustments in the work schedule. Under a new provision of law[1] an employee may elect to have a work schedule adjusted when personal religious beliefs *require* abstention from work during certain periods. The law allows the employee to choose to work overtime in trade for compensatory time off. (Chapter 5) The overtime may be worked before or after the period off. You can deny this time off if it would impair efficient operations but you should do this only in extreme circumstances. Agency instructions on this matter should be carefully applied.

Flexible and Compressed Work Schedules—Many agencies, or components, are actively involved in testing alternatives to the standard workweek. Recent legislation[2] calls for experimentation by the Federal Government (until 1982) with flexible and compressed work schedules to determine their effect on six specific areas:

- Efficiency of Government operations.
- Use of mass transit facilities, and traffic flow.
- Energy consumption.
- Service to the public.
- Opportunities for full and part-time employment.
- Effects on individuals and families generally.

The law allows suspension of overtime provisions to implement these experiments.

A variety of flexible schedules are possible:
FLEXITOUR: employees may periodically choose starting and stopping times but put in full eight-hour days.
GLIDING TOUR: employees may vary starting and stopping times without prior notice, but again must work eight hours each day.
VARIABLE DAY: employees may vary both starting and stopping time, and length of workday. Full-time employees must work 40 hours in a week.
VARIABLE WEEK; same as Variable Day except that full-time

[1] Public Law 95-437
[2] Public Law 95-390

employees must work 80 hours in a biweekly pay period. *MAXIFLEX:* employees may vary starting and stopping times, length of workday, and the numbers of days they are present for work. Full-time employees must still work 80 hours in a biweekly pay period.

Under compressed schedules, employees could work fixed, weekly four-day tours of 10-hour days or three 13-hour and 20-minute days. They could also work a fixed schedule of eight nine-hour days and one eight-hour day over a two week period. In this case there would be five work days in one week and four in the other.

Holidays—Full-time employees currently get nine holidays each year. They get an alternative day off if the holiday falls on a scheduled day off. Part time employees get the holiday only if it falls on a scheduled workday. The regular holidays are:

New Year's Day, January 1
Washington's Birthday—
3rd Monday in February
Memorial Day —
last Monday in May
Independence Day, July 4
Labor Day —
1st Monday in September
Columbus Day
2nd Monday in October
Veterans Day, November 11
Thanksgiving Day—
4th Thursday in November
Christmas Day, December 25

Leave

Annual and sick leave are benefits to which employees are entitled. Management, however, has certain options in granting their use. Leave without pay (LWOP) and administrative leave are flexible management tools which can enhance morale if used properly. Some general provisions for charging leave:

- Normal minimum charge for leave is one hour, although your agency may establish and/or negotiate charges to leave in increments of less than that.

- Leave is charged only for absence on days when an employee would otherwise work. Thus, it is not charged for legal holidays, official days off, or periods of scheduled overtime.
- Leave without pay (LWOP) or absence without leave (AWOL) is charged, however, for a holiday or an official day off if the employee was in either status on the workdays both immediately before and after the holiday or day off. In other words, they don't get paid for it.
- Annual leave, sick leave and LWOP may *not* normally be charged without the employee's consent because, depending on the circumstances, this may constitute an adverse action. (Chapter 7)

Annual Leave—Employees are entitled to annual leave, but you have the right to establish *when* the leave may be taken. Generally, you have no obligation to approve specific requests for annual leave, whether requested in advance or for an emergency, if the employee can't be spared. Leave may also be cancelled even after a request is approved if the employee's services are needed for that time. However, leave cannot be denied for arbitrary or capricious reasons. Nor can it be turned down in two specific situations: (1) when a reservist or National Guardsman is called to active or inactive duty; or (2) when a disabled veteran asks for leave for medical treatment. Annual leave may be advanced to employees up to the amount they will earn by the end of the leave year.

Scheduling Annual Leave—This is where the manager's role comes in, and the first thing you should do is examine your own management style, attitudes and practices. They are a major factor in employee attitudes toward their jobs and proper use of leave. Though annual leave can be used to meet immediate personal needs and emergencies, you should encourage employees to take planned vacations. Give them an opportunity to plan and schedule their annual leave. At least every six months, have employees submit tentative leave plans so you can work out a schedule which will minimize work disruption, prevent forfeiture of leave, and consider employees' preferences to the greatest degree possible.

Settling Conflicts—Invariably, there will be conflicts in sched-

uling leave that must be settled fairly. Some techniques you can use to establish priorities are: (1) employees with "use or lose" leave get first change, expecially near the end of the leave year; (2) first come, first served; (3) seniority; (4) preference to an employee who previously lost in a similar scheduling conflict; or, (5) any combination of these. Agency policies and labor agreements often provide solutions for this kind of problem. If you have to deny or cancel leave, it should be rescheduled immediately, if possible. No employee should have to forfeit annual leave because it has not been properly scheduled. Give special attention to "use or lose" leave. Such leave must be scheduled in writing before the beginning of the third pay period prior to the end of the leave year to be considered for restoration if it cannot be used. Generally, employees can carry a maximum of 240 hours of annual leave into a new year. Annual leave forfeited at the end of the leave year—through administrative error, illness or injury, or an exigency of public business—may be restored under certain conditions. Members of the Senior Executive Service are not affected by leave regulations and can compile unlimited leave credits.

Sick Leave—You can't "manage" sick leave, obviously, but you can encourage employees to use it judiciously, without discouraging or discrediting proper use. In particular, you can point out that accumulating sick leave can provide income insurance in case of long term illness, or credit added to retirement annuity computation. You can also be reasonable and flexible in considering requests for annual leave not asked and approved in advance. Too strict a policy with such requests may result in employees asking for sick leave, although not appropriate, because it is less open to denial.

Advancing Sick Leave—In case of serious disability or illness, sick leave may be advanced without regard to the amount of the employee's annual leave balance. It cannot be advanced if the employee isn't expected to return to duty. No more than 30 days of advance sick leave may be owed at one time and must be repaid, even upon separation, unless the separation is due to an incapacitating illness or death.

Right to Grant or Deny Sick Leave—An employee has an ab-

solute right to use accumulated sick leave when he or she: (1) is incapacitated by illness, injury, or pregnancy-related medical conditions; (2) is receiving emergency medical, dental or eye examination or treatment; or (3) would jeopardize the health of others because of exposure to a contagious disease. An employee must submit acceptable evidence, if required by your agency. Acceptable evidence depends primarily on individual circumstances and your own judgment. It may include the employee's oral or written statement that he was ill, physical observation of incapacitation, a receipt of payment for a doctor's visit, or a medical certificate signed by a physician, among other things. If required documentation is not submitted, sick leave should not be granted, thereby requiring the employee to request another type of leave or be charged absence without leave. Requests for sick leave for routine examinations or treatments, and advance sick leave, even if submitted with proper evidence, may be denied if you feel that the employee's absence would interfere with the efficient operation of you activity. You may *not* grant sick leave for reasons of fatigue, or to take care of others, including family members (except when an immediate family member has a contagious disease).

Abuse of Sick Leave—If you suspect an employee is abusing sick leave, review the record in detail to see if there are valid grounds for suspicion. Look for these patterns:

- Taken as soon as earned, resulting in low sick leave balance.
- Taken frequently before or after holidays.
- Taken frequently on Mondays or Fridays (or before other normal days off).
- Taken during periods of heaviest workloads.
- Taken when annual leave is refused.

(A note of caution; There should be some persistent pattern. Infrequent use of sick leave in one of these circumstances would *not* be grounds for further action. Document dates and amounts fully and precisely.)

Once you're reasonably sure there is abuse, discuss it with the employee involved. Point out the pattern which leads to your suspicions, but don't accuse the employee of abuse. Give the employee a chance to explain the pattern. Offer counseling (if available), especially if the problem is personal. (Chapter 12)

Make certain she understands leave requirements and how and when leave is supposed to be taken. It is important to monitor continued use of sick leave closely. If abuse continues, consult with your personnel office. At that time, you might consider issuing to the employee a letter of requirements for granting further sick leave. If you issue a letter, but the leave record improves, rescind it in writing. If things don't improve, take the actions specified in the letter.

Sample Letter of Requirements

(Supervisor's Name)
Subject: Requirements for Granting Sick Leave
To: Mr. John Q. Employee
I have reviewed your leave record for the past 12 months and the record indicates that you apparently are abusing your sick leave entitlement. You use your sick leave soon after it is earned. Your sick leave balance for the last pay period was 10 hours, which you used during this current pay period. The enclosed summary shows the exact days and hours of your leave for the past 12 months. (None of the leave was verified by a physician.)

I spoke to you on *(date)*about your use of sick leave, and you stated that you understood sick leave requirements and regulations. Since then, your apparent abuse of sick leave has been a continuing problem. In the future, all of your sick leave periods, regardless of their duration, must be certified by a physician on SF-71, Application for Leave, or on the physician's letterhead stationery. An SF-71 is available from your time keeper or me.
You wil be charged absent without leave (AWOL) if you fail to comply with this requirement. In that event, you may be disciplined. This requirement shall be terminated no later than the end of six months, if your sick leave record in the interim is acceptable.

(Supervisor's Name, Title, and Office Address)
Enclosure
cc: Personnel Office.

Leave Without Pay (LWOP)—Normally, LWOP is an *approved*

absence without pay *requested* by an employee. If charged to an employee without consent, it is enforced leave and may constitute an adverse action. LWOP may not be imposed as a penalty, and must not be confused with absence without leave (AWOL) which is charged for unauthorized absence and does not require employee consent. Consult your personnel office before charging LWOP without the employee's consent.

To Grant or Deny LWOP—LWOP must be granted when requested by disabled veterans to undergo medical treatment or when reservists or National Guardsmen request it to perform military training. Otherwise, LWOP is not a right which accrues to an employee and may not be demanded. It is granted at management's discretion. Employees are eligible regardless of length of service or whether they have annual or sick leave to their credit. There are no set maximum or minimum amounts, but the employee should be advised of the effects of excess LWOP on such matters as within-grade increases, retirement credit, leave, and so on. Each request should be examined closely to assure that the value to the Government or the serious needs of the employee are sufficient to offset the administrative costs, inconveniences and lost production. Before approving extended LWOP, there should be a reasonable expectation that the employee will return to duty, and at least one of the following benefits will result: (1) increased job ability; (2) protection or improvement of an employee's health; (3) retention of a desirable employee; or (4) furtherance of a program of interest to the Government.

Absence Without Leave (AWOL)—This is a nonpay status for any absence from duty not authorized by the proper leave approving official. It should be charged when an employee is absent without permission and has not notified his supervisor or provided satisfactory explanation; or does not consent to a particular leave charge and enforced leave is not appropriate. Charges of AWOL are not in themselves discipline but may form the basis for such action. An AWOL charge may be changed later to an appropriate type of leave if you feel the employee has satisfactorily explained the absence or presented acceptable documentation.

Leave for Maternity or Paternity Reasons—A choice of sick

leave, annual leave, or LWOP may be granted to female employees for the period of incapacitation or medical visits. Otherwise, leave for maternity reasons, e.g., to care for the baby, must be charged to annual leave or leave without pay. The same regulations, policies and procedures applicable to other grants of specific types of leave apply to requests for maternity or paternity reasons. Absences for maternity purposes *must* be treated as any other medically certified disability. Annual leave or LWOP may be granted to a male employee to care for his minor children, or the mother of his newborn child while she is incapacitated for maternity reasons. You may not apply arbitrary cutoff dates for this type of leave. The length of absence must be decided on individually by the employee and the leave-approving officer, based on relevant facts and circumstances. As a manager interested in morale, you and the pregnant employee should discuss working conditions which may be detrimental to her or the unborn child, and make changes if possible. If necessary, ask her to contact her physician about any questions you have regarding her health and/or working conditions. If you are reasonably certain she intends to return to duty, you may advance annual or sick leave.

Excused Absence ("Administrative Leave")—An excused absence is an absence from duty, administratively authorized, without loss of pay and without charge to leave. While ordinarily authorized to an individual, groups of employees may also be excused under certain conditions. Common examples for excused absences are: blood donations; participation of certain employees in military funerals; health examinations within the agency, or as requested by the agency; short periods of tardiness, especially in hazardous weather; and voting (with restrictions). Excused absence is different from official time for purposes specified by law, Executive Order, regulation, or labor-management agreement, e.g., to prepare a reply to a proposed adverse action.

Military Leave—This leave is in addition to other kinds of leave. Employees who have full-time permanent or term appointments, and are members of the National Guard or Reserves of Armed Forces, are entitled to up to 15 days of military

leave per year for active duty or training. Temporary, intermittent, when-actually-employed, and part-time employees are not. Leave of absence (military leave, annual leave, LWOP, furlough, separation-military) must be granted when a permanent or temporary indefinite employee is ordered to active or inactive duty. The agency has no discretion in granting military leave when requested by eligible employees, but does have some discretion in determining other types of absence granted for military service.

Questions and Answers

1. Q. Several employees of my staff are continually late coming back from lunch. I've warned them, had them sign in late, but they continue to be tardy. What are my options?

   A. a. You may request that they sign for annual leave or leave without pay for the minimum time authorized by your agency for such leave (or multiples of it to cover the period of absence). However, the employees must not be forced to work during any portion of the time charged as leave.

   b. You may, without their consent, charge them absence without leave (AWOL) for the period of tardiness and, thereby, withhold their pay for that time.

   c. If documentation of past tardiness exists, you may initiate disciplinary action against the employees, in accordance with policy and practice.

2. Q. An employee with five years' service has continually used all his sick leave and frequently takes sick leave in advance. He brings in a doctor's certificate, but I am suspicious. What can I do to keep him on the job?

   A. Whenever you suspect that leave is abused or misused, your first action as a supervisor is to discuss it with the employee. Without accusing him of misuse, express your concerns and allow him to explain the absences. If the reason is too personal to be discussed, you may offer agency professional counseling, if available. If you suspect that the doctor's certificates are questionable, or if the absences are substantially affecting his work, contact your personnel office.

3. Q. I have a work unit of several employees, all with considerable "use or lose" leave. Every year they all wait until the end of the leave year around the holiday season to request leave. I can't allow all of them to go and still accomplish our work, but the situation also doesn't warrant an "exigency of public business" so the forfeited leave could be restored. What can I do?

   A. First, always have employees schedule their leave, at least tentatively (may be changed later), early in the year or as soon as possible. In this case, inform employees of the past scheduling problems and resulting conflicts. Warn them well in advance that conflicts may result in canceling leave or denying requests. Assuming urgent work requirements, you may deny leave. If scheduling conflicts do arise, consult agency policy, labor contracts, and your personnel office. If no guidance exists, you may consider timeliness of requests, seniority of employees, those employees who lost in previous conflicts, those with "use or lose" leave, etc., to determine priorities. Those whose "use or lose" leave is denied should be *immediately* rescheduled for leave before the end of the leave year.

4. Q. My employees call in in the morning and "tell" my secretary to put them on sick leave. Since sick leave is an employee right, do I have any rights in trying to control its use without putting the employees on some kind of leave restriction?

   A. Even such an employee right is conditioned by the fact that it must be requested and granted by a proper leave-approving authority. You, therefore, can require the employees to orally request leave from you. If you are not available, they should be instructed to call again, or leave a message requesting that you call them or request leave from the person you have designated as your alternate. This is true for both emergency sick leave and emergency annual leave.

10

Equal Employment Opportunity

***Chapter 10* Highlights**

Why are managers responsible for EEO?
What tools are there to help you achieve results?
How can EEO effort help improve performance and productivity?

Basic Reference: FPM Chapter 720

You've probably noticed that the higher you go in your organization, the more time you spend on personnel matters. Personnel, by now, is a major part of your job. And Equal Employment Opportunity (EEO) is an integral part of personnel management. There is a very practical justification for the statutes that require a Federal workforce representative of the nation's population: To carry out our mission of serving the public, we need insight into the needs and concerns of all Americans. One way to help insure that the needs of all segments of our society are considered is through a representative Federal workforce.

Where Responsibility Lies—Primary responsibility for insuring a results-oriented agency EEO program does *not* rest with the EEO staff. Statutes and regulations assign that responsibility first to the agency head and second to each manager and supervisor. EEO specialists and personnel specialists merely provide you technical advice and assistance and monitor your EEO performance. The EEO Act of 1972 says: "Nothing contained in this Act shall relieve any Government agency or official of its or his primary responsibility to assure non-discrimination in employment . . . . or of its or his responsibilities . . . . relating to equal employment opportunity." Implementing regulations say that responsibility for EEO program effectiveness is, "shared by every manager and supervisor in the agency . . . . Every manager and supervisor shall be made aware that furthering equal employment opportunity is an integral part of his or her position."

Why You?—It makes a lot of sense that you are the official responsible for insuring EEO within your office, branch, or division. After all, you're the one who hires, fires, trains, appraises, details, assigns, promotes, and demotes employees. Actually, it can help you in many ways:

- Better use of current workforce.
- Better-trained employees.
- Improved employee morale.
- Possible increase in your pay.
- Fewer discrimination complaints.

Planning Ahead—One of the best ways to meet your responsibilities is to plan your EEO actions at the same time you're

planning to meet your future staffing needs. For example, if you know you'll be hiring or replacing three staff engineers in the next three years, start working now with your EEO and personnel advisors to identify minority and/or women candidates. They can help you by pinpointing certain schools or professional minority organizations, and insuring that potential applicants know about your employment needs and what knowledge and skills will be needed. (Chapter 1)

Training—Meeting your EEO responsibility doesn't just mean hiring and promoting. It may be as simple as training present employees to increase their contribution to the organization. (Chapter 4).

Sensitivity—Part of EEO is simply being sensitive to your employees' needs and concerns. This can translate into a dollars-and-cents impact on your organization. If your employees find you approachable and if they feel comfortable talking about their work and their office concerns, you may be able to avert problems which lead to increased turnover, absenteesim, discrimination complaints, and reduced work quantity and quality.

Merit Pay for You—If you are a GS-13 or above supervisor or management official, your organizational performance will determine your merit pay increases. Most agencies are giving more emphasis to the EEO efforts of their managers in evaluating their performance. Your agency will be taking a close look at your unit's EEO profile and at the actions you take to meet your EEO responsibilities. (Chapter 5)

Discrimination Complaints—The negative side of EEO is a discrimination complaint. These can cost your organization thousands of dollars and incredible amounts of staff time. While it is hoped you would be motivated by positive incentives to take responsibility for your organization's EEO program, the discrimination complaint system exists to help enforce the EEO Act of 1972, and to assist employees who believe they are victims of discrimination. (Chapter 8).

EEO Programs—Your agency is required to establish and implement an EEO Program and Affirmative Employment Programs to assure nondiscrimination on the basis of race,

color, religion, sex, national origin, age and handicapping condition. The Equal Employment Opportunity Commission and OPM provide Government-wide leadership in these areas. OPM's main responsibilities are in the program and policy areas. Through its Office of Affirmative Employment Programs, OPM assists agencies in developing and implementing creative approaches to employment designed to increase opportunities for minorities, women, the handicapped and veterans, through its:

- Federal Women's Program.
- Hispanic Employment Program.
- Veterans Employment Program.
- Selective Placement Program (for handicapped persons).
- Minority Programs and Outreach and Upward Mobility Programs.

Your agency has specialists in each of these areas and they are available to help you plan your EEO efforts and take specific steps to improve the employment profile of your agency. The EEOC has responsibility for enforcement functions, including review of affirmative action plans and processing discrimination complaints.

Other EEO Options—Planning ahead in your hiring process, and training present employees are two ways you can carry out your EEO responsibilities. There are other means open to you to achieve results.:

- *Upward Mobility*—You can establish an upward mobility position to provide an opportunity for lower-level employees who have potential but who are dead-ended in their present jobs. (Chapter 1).
- *Flexitime Employment*—Agencies and/or parts of agencies are allowed to conduct experiments with flexible and compressed work schedules under a program coordinated by OPM. Flexitime allows you to use your workforce more effectively, while at the same time giving your employees more flexibility in arranging their own personal schedules. (Chapter 9).
- *Part-time Employment*—Part-time employees give you added flexibility in staffing your work unit. Agencies report a variety of management benefits from greater use of part-time workers, including improved productivity. Part-time opportunities make it easier to attract highly qualified and ex-

perienced older workers, women, and full-time students, who can't or don't want to work full-time. (Chapter 1)

- *Special Qualifications*—Where your job analysis shows that bilingual ability and/or ability to establish rapport with members of particular racial or ethnic groups is required or will enhance job performance, you may request certification of candidates who have these abilities. If the ability is essential for satisfactory performance, it may be used as a selective factor. If it is not mandatory but would enhance performance, it may be used as a quality ranking factor. (Chapter 1)
- *Cooperative Education*—You can hire students working toward associate, baccalaureate, and graduate degrees, in alternating periods of work and study. Students successfully completing approved programs may be converted to career or career-conditional appointments, at your option. You may alternate two students, using only one full-time position. It gives you a good chance to meet your long-range staffing needs and to target your recruitment efforts toward schools with high percentages of minority students. (Chapter 1)
- *Stay-in-School Students*—You can hire students who maintain acceptable standing and who are at least 16 years old, and who need earnings to stay in school. They are limited to 16 hours of work during the school week, but may work full-time when their schools are closed.
- *Direct-hire Authority*—You can fill certain jobs, especially those in "shortage categories," through the direct-hire authority of your agency. This eliminates the frustrating experience of recruiting individuals but not being able to reach them on registers. You can take advantage of available direct-hire authorities to pinpoint recruiting for groups under-represented in your workforce. Wage grade or "blue-collar" jobs are an example of this. Agencies have direct-hire authority for temporary blue-collar jobs not to exceed one year. These temporary appointments may be extended an additional year. (Chapter 1)
- *Federal Equal Opportunity Recruitment Program*—You can target specific groups for recruitment efforts when women and minorities are underrepresented in an occupational series or grade level. Agencies are required to develop plans

of action for recruiting underrepresented groups, and OPM has provided guidance on actions that agencies can take.

- *Veterans Readjustment Authority*—You can hire Vietnam-era veterans for civilian jobs without going through the usual competitive hiring procedures. If they agree to take training while working you may appoint veterans to jobs at grades GS-1 through GS-7, WG-1 through WG-7, and to jobs in the other pay systems which do not exceed the starting pay for WG-8. After two years, they may be converted to career or career-conditional appointments. (Chapter 1)
- *Special Ways To Hire The Handicapped*[1]—You can hire handicapped applicants directly in several ways. Severely handicapped persons may be given either an excepted appointment or a temporary 700-hour appointment. The 700-hour appointment permits the employee to demonstrate ability to perform all the duties of the position. Mentally retarded persons may be appointed in accordance with written agreements between an agency and OPM; they are given jobs which match their individual abilities to the job. Both severely handicapped and mentally retarded persons may be converted to competitive status after two years of successful performance in an excepted appointment. Mentally restored persons may be given a chance to demonstrate their ability to perform all the duties of a position in a temporary 700-hour appointment.
- *Volunteers*—You may be able to accept the services of student volunteers without pay if your agency has programs to provide them educationally related work. Although the students aren't considered Federal employees, their service is creditable for competitive examinations. This is a good way for you to provide job-related experience to minority, handicapped, and female students.
- *Mobility assignments*—These enable you to provide a way for developmental assignments for your staff. For example, you could arrange a mobility assignment for a person who has staff experience but who needs line experience to qualify for higher-level jobs or to round out a career plan. Or, you can move employees between the Federal Government and state, local, and Indian tribal governments; in-

[1] FPM Chapter 306

stitutions of higher education; and certain non-profit organizations.

Results—One complaint often heard from managers is that "the EEO program is so unmeasurable. Where are the results?" It's one thing to **say** you support EEO; it's quite another to translate rhetoric into action. This chapter outlines several concrete actions you might take in fulfilling your EEO responsibilities. Some will fit your needs better than others. However, consider setting a goal for your organization of one or more such actions a year. For example, plan for the next year to establish one upward mobility position, or one cooperative education position, or to hire one student. Be sure to take advantage of the expertise of your agency's EEO and personnel specialists as you consider actions to meet your EEO responsibilities.

Questions and Answers

1. Q. Isn't affirmative action just a distortion of the merit system? Sounds like out and out preference to me.
   A. No, not if it's understood and done correctly. Affirmative action plans and programs exist to help achieve a representative workforce, to compensate for past discrimination. For most jobs there are many qualified candidates among the various racial, ethnic and sex groups. Affirmative actions are taken to assure that members of these groups have an equal opportunity to apply and be considered for vacancies. The purpose of affirmative action is to assure that the merit system is truly based on merit, without special groups getting preferential treatment.

2. Q. I went out and recruited a black woman last year. Even though she got a high score on the exam, I still couldn't reach her on the register. What am I supposed to do about that?
   A. It's true that you may have problems hiring from some registers. Concentrate your EEO efforts where they'll pay off, e.g. making a name request or taking advantage of available noncompetitive hiring authorities such as cooperative education. This chapter mentions several

such authorities. For additional ideas, check with your personnel office.

3. Q. Exactly what groups are covered under affirmative action?
   A. Groups specifically covered under statute, Executive order, and regulation include Blacks, Hispanics, Asian Americans, Native Americans, and women. Agencies should also conduct outreach efforts to employ mentally and physically handicapped persons and Vietnam-era veterans. Your EEO and personnel specialists will help you to identify your specific priorities based on the representation of your current work-force and set goals for employment.

4. Q. Goals—don't you mean quotas?
   A. We certainly don't. And we're not playing semantic games. Quotas are something that must be achieved, no matter what. That would limit employment of persons from some groups, and that's not possible in a merit system. Goals are numerical objectives, tools to help you plan your EEO efforts. Just as with any other part of your job, you identify your priorities, decide what is achievable, and document your intentions in an EEO, MBO-type plan.

5. Q. Is there a difference between Equal Opportunity Programs and Affirmative Action Programs?
   A. Yes, there is a subtle distinction. EEO Programs focus on compliance. Their major objective is to assure that your agency complies with EEO laws, such as the 1972 Civil Rights Act as it applies to Federal agencies. Your EEO Program assures that the agency meets all requirements of the law, in that there is no discrimination in its recruitment, selection, placement, and training of employees based on race, color, religion, sex, national origin, age, or handicapping condition. Agencies are also required to provide avenues of redress for persons who believe that they have been discriminated against on any of these basis. Affirmative Action, or Affirmative Employment Programs are the agency's voluntary efforts to improve its per-

sonnel system so that opportunities for minorities, women, the handicapped and veterans are maximized. Sometimes an EEO program review or discrimination complaint shows the need for such special efforts. Affirmative employment efforts include identifying possible barriers to the employment and advancement of identified groups, and working to eliminate such barriers. They also include creative efforts to modify the existing system to assure that minorities, women and the handicapped have equal access to employment and training opportunities.

6. Q. How come there's not a Federal Men's Program or a German Employment Program?
   A. The Federal Women's and Hispanic Employment Programs exist because, as a result of past discrimination, attitudes, and stereotyping, these groups are underrepresented and underemployed. Special emphasis programs were established to encourage focused efforts. There is a continuing need for special emphasis due to the legal and attitudinal barriers for women, and cultural language and stereotypic barriers for Hispanics.

7. Q. What are the recruiting sources for handicapped applicants?
   A. You may be able to identify handicapped applicants through your agency's Selective Placement Coordinator, through the Selective Placement Specialist in your OPM area office, through your State vocational rehabilitation agency, or through other community organizations that serve the handicapped.

11

Labor-Management Relations

***Chapter 11* Highlights**

What are the three basic stages of labor-management relations?

What rights does management have?

What rights do unions have?

How do you solve conflicts?

How can managers minimize employee grievances?

Basic Reference: FPM Chapter 711

As a supervisor or manager, you are a vital cog in your agency's labor relations program. You are the member of the management team who deals most directly with the employees and their union representatives, day-to-day. Your actions and the relationship you have with the union steward and other officals of the local will have significant impact on the success or failure of labor relations in your agency. Generally speaking, there are three stages in labor-management relations:

(1) The *organizing* stage, when a union petitions for an election to obtain the exclusive right to represent the employees;

(2) the *negotiation* stage, when agency and union representatives attempt to achieve a collective bargaining contract governing conditions of employment; and

(3) the *contract administration* stage, when the parties apply agreed-upon conditions of employment to the employees covered.

Since unions have gained the exclusive right to represent 60 percent of the Federal civilian workforce, the focus of this chapter will be on your rights and responsibilities in the negotiation and contract administration stages. This doesn't mean you have no role or responsibility during the organizing stage; you do. If your employees aren't currently represented by an exclusive union, it will be useful for you to be aware of the basic procedures for obtaining recognition and representation. You also will be expected to observe the rules associated with unfair labor practices. And, of course, you must deal fairly and promptly with employee concerns even if they aren't represented or seeking to be represented.

Purpose of Program—The Federal labor relations program provides a system for reconciling the management needs of agencies with the employees' desire to have a "say" in determining their conditions of employment, and for resolving differences and disputes that arise in the process. The law asserts that labor organizations and collective bargaining in the civil service are in the public interest, and establishes labor relations procedures to meet the special requirements and needs of the Federal Government.

The Language—Most labor relations terms mean what they appear to mean. But some include important distinctions from

what may be commonly understood by a general use of those terms. You should learn, and are expected to understand, the particular meanings of the following terms as they are used in a labor relations sense.

- *Employee* has the usual meaning except that it excludes supervisors, managers, foreign nationals working overseas, uniformed service personnel, and anyone who participates in or condones a strike or slowdown against an agency or picketing which interferes with agency operations.
- A *management official* is one who formulates, determines or influences the policies of an agency.
- A *supervisor* is one who consistently exercises independent judgment in taking such actions as hiring, directing, rewarding or disciplining employees. (In addition, those who supervise nurses or firefighters must devote a preponderence of their worktime to exercising such authority.)

Basic Rights—To deal effectively with employees and their union representatives, you must know their rights and yours. These rights are spelled out by law, in the collective bargaining contract, and in your agency's and OPM's personnel regulations.

Employee/Union Rights—All Federal employees, including managers and supervisors, have the right to join or not join a union (or give money to a union) without coercion or fear of reprisal. However, as a manager or supervisor, you may not participate in the management of a union or act as a representative of the union (except in a few "grandfathered" situations, such as maritime operations, in which supervisors historically and traditionally have been represented in employee bargaining units). The exclusive union is the sole spokesman for the employees it represents with regard to conditions of employment affecting them generally. It is especially important that you know—and accept—the union's role in negotiating and policing the collective bargaining contract, and in representing employees who bring grievances against the agency under the negotiated grievance and arbitration procedures. An important, new provision of the law is the right of the union to be present when an agency representative examines an employee in connection with an investigation—if the employee reasonably believes disciplinary action may result and if he requests

representation. Agencies *must* inform employees of this right annually. The right encompassess four elements:

- The employee must request representation. His silence concerning representation implicitly waives the right.
- He must reasonably believe disciplinary action may result. It does not apply to the normal, day-to-day conversations you have with employees you supervise involving work techniques or other matters unrelated to discipline.
- You may choose to forego the interview if the employee requests representation.
- You are under no duty to negotiate with the union representative over conditions of employment affecting employees generally, and may insist on hearing only the employee's own account of the matter being investigated.

In addition, the exclusive union has the right to be represented at certain formal meetings between the agency's representative and employees in the bargaining unit (or their representatives) concerning grievances or conditions of employment.

Management Rights—As a member of management, you, too, have certain basic rights under the law. In addition to the right of your agency to set the mission, budget, organization, number of employees and internal security practices for your operation, you have the right to:

- Decide whom to hire as well as what other personnel actions are needed to make your operation run efficiently. (Chapter 1)
- Assign work to the employees who report to you.
- Determine what performance is required for the employees to get the work done, whether an employee is measuring up and, if not, how her performance must improve. (Chapter 7)
- Make the selection if filling a position from among candidates for promotion or from another appropriate source. (Chapter 1)
- Take whatever actions are necessary to carry out your operation during emergencies.

The law spells out these management rights, but the procedures and impact on employees of exercising them must be negotiated if the union requests such negotiations. For example, in filling a position, you may select from "among

properly ranked and certified candidates for promotion; or any other appropriate source." The collective bargaining contract may prescribe a *procedure* for ranking and certifying candidates for promotion. Know your contract, and know your management rights. Use your rights, but use them considerately and properly. Beware of incorrect contract interpretations. They may set harmful and costly precedents which prove difficult, if not impossible, to eliminate over the long haul.

Recognition—To obtain exclusive representation rights, a union must file a petition with the Federal Labor Relations Authority showing that 30 percent of the employees in an "appropriate unit" desire an election for that purpose. (An appropriate unit is a grouping of employees which FLRA determines will share a community of interest and will promote effective labor-management dealings and efficient agency operations.) The representation election, which is by secret ballot among eligible employees, is usually conducted by the agency under FLRA supervision. The employee may vote for the union that filed the petition, for any other union FLRA places on the ballot, or for "no union." If a union is the choice of a majority of all those voting, FLRA certifies it as the exclusive representative of all employees in the unit. You do not have an active role in the pre-election or election period (as you do at the contract administration stage), although you should be prepared to react appropriately if problems arise. For example, the law *permits* you to:

- Encourage employees to vote in a representation election.
- Correct the record where false or misleading statements are made.
- Convey the Government-wide policy on labor relations, including information to employees concerning the agency's personnel rules and other matters related to conditions of employment.

The law permits these statements—provided there is no threat of reprisal, force, promise of benefit, or undue coercive conditions. Such statements will not result in an unfair labor practice finding against you or the agency, or in the setting aside of the representation election. Once a union gains exclusive recognition, it must be given the opportunity to bargain over

management's proposed changes in "conditions of employment." This is a right which stems from recognition, not from any negotiated agreement.

Representation—A union which has obtained exclusive recognition is entitled to, and must, represent all employees in the unit fairly, whether they are union members or not. To perform representational duties such as presenting grievances, union stewards and other representatives are entitled to whatever offical time your agency and the union may agree (in the collective bargaining contract) is reasonable, necessary and in the public interest. Read this provision, if existent, and follow whatever procedures and limitations apply when a steward or other local union official requests time off or asks to visit an employee in your operation for representational purposes. Internal union business (soliciting members, dues, etc.) may *not* be performed on official time.

Reaching Agreement—Your agency and the exclusive union must negotiate in good faith on "conditions of employment"—that is on personnel policies and practices and general working conditions. The aim is to incorporate the agreements into a collective bargaining contract. After the contract is signed, the agency head may disapprove it within 30 days if it isn't in accord with applicable laws and regulations. After that, the contract is binding on you, your agency, the employees and their exclusive union. The law provides members of the union negotiating team with official time to negotiate, but the number of employees for whom official time is authorized may not exceed the number representing the agency in negotiations.

Grievances and Arbitration—The contract must include a fair and simple way to settle grievances concerning the contract, as well as other matters affecting conditions of employment in the bargaining unit. The negotiated grievance/arbitration procedure is not available to employees outside the bargaining unit. For those in the unit, it's the only way to settle grievances covered by the procedure unless the case involves discrimination or adverse action, or removal or demotion for unacceptable performance. When these are involved, the employee must choose one route—either the negotiated

procedure (if it covers the matter) or statutory procedure—and be bound by it. (Chapter 8) In the negotiated grievance procedure, the union may present employee grievances and attend any grievance proceeding. Employees have the right to present their own grievance, but may not be represented by anyone other than a representative of the exclusive union (unless the contract permits otherwise). The procedures *must provide for binding arbitration,* which *may* be invoked by management or by the union (not the employee) if it is not satisfied with the final agency decision under the grievance procedure. Most grievances are based on a supervisor's or manager's actions; thus, it's important that you adequately document events leading up to the action grieved. Assure yourself and your boss that your action was warranted and proper under the law and collective bargaining contract, and you should be able to defend it if the case goes to a hearing and you are called to testify before an arbitrator.

Unfair Labor Practices—The law prohibits certain actions by both management and union officials. They are called "unfair labor practices." For example, as a member of agency management, YOU MAY NOT:

- Interfere with, restrain or coerce employees in exercising their rights under the labor relations program.
- Encourage or discourage union membership by discriminating with regard to conditions of employment.
- Sponsor, control or assist a labor organization.
- Discipline or otherwise discriminate against employees for filing a complaint, petition, or testifying.
- Refuse to consult or negotiate in good faith.
- Fail or refuse to cooperate in negotiation impasse procedures or decisions.
- Enforce a rule which conflicts with the collective bargaining contract, if the contract was in place before the rule was issued.

By the same token, UNION OFFICIALS MAY NOT;

- Interfere with, restrain or coerce employees in exercising their rights.
- Cause, or attempt to cause, an agency to discriminate against employees in exercising their rights.
- Coerce, Punish or attempt to take reprisal against a union

member to hinder work performance or productivity.
- Discriminate in regard to membership.
- Refuse to consult or negotiate in good faith.
- Fail or refuse to cooperate in impasse procedures or decisions.
- Call, participate in or condone a strike, work stoppage, slowdown, or picketing which interferes with an agency's operations.

It also is an unfair labor practice for either management or the union to fail or refuse to comply with any provision of the Federal labor relations law.

Administration—The FLRA administers the law and sets basic policies for the Federal labor relations program. It determines appropriate bargaining units, oversees representation elections, resolves negotiability questions and unfair labor practice complaints, and decides appeals from arbitration awards. Its *General Counsel* investigates alleged unfair labor practices and prosecutes complaints before the FLRA. *The Federal Service Impasse Panel* and the *Federal Mediation and Conciliation Service* are available to help resolve negotiation disputes and impasses. The role of the Federal mediator (FMCS) is to help the agency and union narrow their differences and achieve agreement at the bargaining table. When an agency and a union reach an impasse, they may present the issue to the Impasses Panel. The Panel may help the parties reach agreement or, failing agreement, force a resolution. OPM provides policy guidance and technical advice to agencies concerning Federal labor-management relations.

Managing with Cooperation—Every agency-union relationship is different. Agency regulations, negotiated contracts and personalities account for the variations. Your treatment of employees and your dealing with their union representatives can help produce an atmosphere of cooperation. Keep the union informed of plans affecting employees in the unit. Informing the union early can avoid undue friction. Mutual interests, such as job safety, call for close cooperation. The union steward holds a position of trust in the bargaining unit. Give them the respect and cooperation necessary to do an effective job. Be as understanding of their position as you expect them to be of yours.

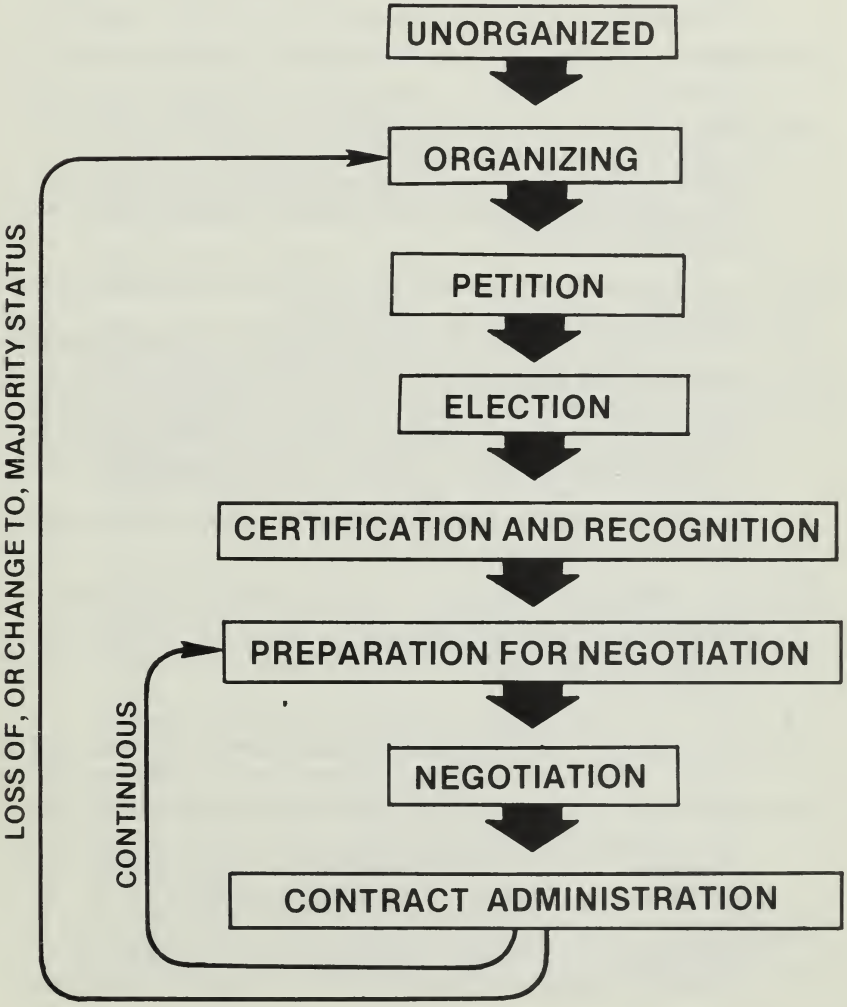
Tips That May Help—A few pointers may help you manage more effectively and minimize employee grievances:

- Be alert to the usual cause of grievances. Don't knowingly violate the contract. For example, distributing overtime unequally in violation of a contract provision is an open invitation to a grievance.
- Keep workers informed regarding the quality of their work.
- Correct minor irritations promptly.
- Encourage constructive suggestions.
- Keep promises.
- Assign work impartially to employees with equal skill and ability.
- Explain your orders unless they are obvious.
- Be consistent unless there's an obvious reason for change.
- Explain change, even when the change doesn't require negotiation.
- Act as soon as possible on requests.
- Avoid showing favoritism.
- If you must take corrective action, don't make it a public display.

In short, use common sense and assume that fair treatment will pay off in cooperation. When a dispute does arise, resolve it (if possible) before it becomes a formal grievance. Your personnel or labor relations officer can help before an issue escalates into a dispute or grievance.

The Collective Bargaining Process

Provides Systematic Procedures
for Resolution of Conflict



Questions and Answers

1. Q. Can I encourage employees to vote for union A vs. union B, or to vote "no union", in a representation election?

   A. No. While you may encourage employees to get out and vote, you may not advise them on how to vote. As a management representative, you must remain neutral.

2. Q. When I sit down with an employee to discuss what is expected of him or her, must I invite the union to sit in?

   A. Not unless the collective bargaining contract requires it. Without such a negotiated requirement, the union has no right to be present at one-on-one discussions with employees to communicate performance standards for a particular job.

3. Q. If an employee is abusing paid time for representational functions, what should I do about it?

   A. The amount and use of official time for representational functions are governed by the collective bargaining contract. If an employee is exceeding or otherwise abusing this provision, then whatever action you take should be in accordance with the contract. First, though, discuss the problem with your agency personnel or labor relations officer to establish whether there is in fact an abuse and, if so, how best to correct it.

4. Q. If an employee engages in misconduct, or if his performance is unacceptable, will it be more difficult for me to take appropriate action when the employee is in a bargaining unit?

   A. No. If the negotiated grievance procedure covers misconduct or unacceptable performance, then an employee in the unit may appeal your action either as a grievance under that procedure or as an appeal to the Merit Systems Protection Board. But either way, the standards of proof are the same: (1) if your action is based on misconduct, it must be supported by "a preponderance of the evidence"; (2) if your action is based on unacceptable peformance, it must be supported by "substantial evidence"—a less stringent test.

5. Q. Can the employee choose a representative other than the union when presenting a grievance under the negotiated procedure?
   A. No. A grievant who does not choose to be represented by the exclusive union must represent himself under the grievance procedure (unless the contract permits otherwise).

6. Q. Who may invoke arbitration?
   A. The agency or the exclusive union, not the employee.

7 Q. Can I belong to the union?
   A. Yes. But as a supervisor or manager, you can't serve as a representative of the union; nor can you hold office in the union and still remain a representative of management. (There is an exception for certain maritime and other units which historically have included supervisors with employees.)

8. Q. What kinds of information is the union entitled to, and what kinds of information can I withhold?
   A. The union is entitled to information normally maintained by the agency and necessary for informed bargaining or representation. But it is not entitled to intra-management guidance, advice, counsel or training.

9. Q. What are examples of an unfair labor practice?
   A. Threatening an employee because she files a grievance. Admonishing or giving her a low performance appraisal because she is active in the union. There are others, of course, and your agency personnel or labor relations officer is your best source if you have a question relating to some specific matters.

10. Q. Can the union require employees to become or remain members or pay dues?
    A. No. Union membership and dues payment are voluntary.

11. Q. What kinds of picketing are allowed, and what is prohibited?
    A. Any picketing which interferes with agency operations is prohibited. Provided it does not interfere with agency operations, informational picketing by employees is per-

mitted—for example, picketing in front of a Federal building before work or during the lunch-period to inform the public or other Federal employees of the union's position in a dispute with the agency. Strikes, work stoppages and slowdowns are prohibited.

12

A Healthy Workforce

***Chapter 12* Highlights**

What agency health services are authorized?

What do you do when you run into alcohol or drug problems?

When should you get involved?

What kind of help is there for employees with personal problems?

Basic Reference: FPM Chapter 792

The health and workplace safety of employees should be of major concern to managers and supervisors, because a sick or injured employee is unlikely to be an efficient employee. Generally, by the time an employee is fully productive, the Government has made a significant investment. Government managers and supervisors have a responsibility for protecting this investment.

On-the-Job Safety—In addition to the harmful effect on the employee, accidents on the job adversely affect productivity and performance of your organization. Since this is where you're judged, it should have your intense interest. Additionally, workmen's compensation for on-the-job injuries is rapidly becoming a high-cost item, and it comes off the top of your agency's budget. While work situations are too varied in Government to discuss safety measures in detail here, let it suffice that insuring a safe workplace (environment and procedures) rests on your shoulders. The Office of Federal Agency Safety Programs, Occupational Safety and Health Administration, Department of Labor, can help you in your efforts.

Health Services—Agencies have been authorized to provide health services to employees since 1946. The Employee Health Service Program established preventive health programs to: (1) allow an employee to get certain health services without having to be away from the job for an extended time; and (2) identify, in its early stages, any medical condition that might result in untimely death or disability. Many negotiated agreements provide for physical examinations, counseling, immunizations, and other types of services. The law permits an agency to provide these with its own staff, or to contract with either the U.S. Public Health Service or qualified private organizations. Agencies are encouraged to join together in offering services where a joint operation will be efficient and effective.

Authorized Health Services—The number and types of services provided through a health unit may differ from agency to agency but OPM and the Department of Health, Education and Welfare recommend:

- *Emergency treatment*—If one of your employees becomes ill or is injured, he or she may receive prompt medical at-

tention at the health unit and, in many cases, return to work.

- *Periodic screenings and examinations*—In addition to regular physical exams, health units offer a variety of screening programs for cancer, diabetes, hypertension, etc. These can identify problems in their early stages.
- *Referrals and treatments*—When the health unit finds a medical problem, they refer the employee to his personal physician. And, if the employee has a condition which can be treated through limited bed rest, dressing changes, or medications (e.g., allergens or vaccines) the health unit can provide these services. If medication is required, the employee must supply it.
- *Health guidance and counseling*—Many agencies offer general education through films, lectures, etc. Health units also help set up smoking withdrawal clinics and training programs on cardiopulmonary resuscitation.
- *Immunizations*—To prevent certain illnesses, health units provide immunizations for such things as flu and tetanus. Immunizations may also be offered when employees travel overseas on official business.

When asked, assure your employees that their medical records are kept in the strictest confidence and may not be released without their written consent.

Alcohol, Drugs and Other Problems—People with problems (alcohol, drug, emotional, family, financial etc.) work at all levels in Government—from the lab to the lunchroom, from the machine shop to the executive suite. Early symptoms are often disarmingly subtle, but sooner or later they show up on the job. The employee who frequently has a problem, whose behavior or performance often fails to meet your expectations, may have a serious problem of this nature. Realizing that you have such an employee isn't easy. If he has the skills and has previously performed well, but now isn't doing well (and your supervisory efforts don't help), chances are you have an employee with a problem which may require professional help.

Alcoholism and Drug Abuse Program—This program helps Federal employees with medical behavioral problems which may hurt their performance or behavior. While agencies must

¶.Title 42 U.S.C. § 4541 (1970), et seq. & Title 21 U.S.C. § 1101 (1972) et seq.

have such a program, many have expanded this into a broader type of program dealing with other problems (emotional, marital, financial and so on). The law says what your agency may do, must do, and must not do:

- Your agency *must* provide "appropriate prevention, treatment, and rehabilitation programs and services" for alcoholism and drug abuse for Federal civilian employees.
- Your agency *may* offer health services for maintaining the physical and mental health of employees.
- No person (employee, former employee, or applicant for employment may be deprived of a Federal job solely because of prior alcohol abuse, alcoholism, or drug abuse.
- Any employee "who cannot properly function in his employment" may be dismissed.

This means that the Federal Government considers alcoholism, drug abuse and some emotional difficulties as health problems. Employees with these problems should be given the opportunity to recover. They deserve the same consideration and offer of assistance as an employee with a broken leg or any other temporary physical problem. If an employee's use of alcohol or drugs causes performance or behavior problems, she should be offered rehabilitative assistance as an alternative to, or concurrent with, discipline. If the employee refuses help or otherwise can't improve her performance or correct improper behavior, use regular disciplinary procedures. (Chapter 7) If you believe that an employee's problem involves criminal conduct directed toward or potentially harmful to others, report this to your agency management.

When To Step In—Supervision requires a constant interplay in which you establish and monitor performance and behavior standards. When an otherwise capable employee frequently fails to meet your performance and behavior expectations, he may need help. But first, *you* need it. And the first step is to call the person designated by your agency program coordinator to help you and the employee. Then, stop by for a visit and some advice.

- This doesn't commit you to any action. The decision(s) whether to confront an employee, to refer him, or to take action against him, remain yours. The advice you receive will be *just that*—advice.

- Your discussion of the case will, of course, be confidential. What you say will not be passed on to the employee, your supervisor, or anyone else, unless you reveal it (or permit the counselor/coordinator to reveal it).
- Be prepared to discuss: (1) job performance deficiencies which have become apparent to you, including absenteeism or lateness' and (2) behavior, including deteriorating relationships with others, personality change, breaking work rules, etc.
- Asking for advice (help) is *not* a cop-out or an admission of failure as a supervisor. On the contrary, it's good management. Look at it this way: any time you need a specialist—whether it's to fix a typewriter, program a computer or paint a wall—you get one. Helping a troubled employee is one of those times. Letting professionals do their job is part of your job.

Following Through—After talking with the counselor you may want to confront the employee. Here are some general guidelines:

- Keep a record of work performance—good points as well as bad. (You should be doing this for all of your employees, anyway.) When you speak with her, you can't operate on the basis that you have a "vague feeling" that work is slipping.
- Don't delay or beat about the bush. Employees have the right to know what you expect. And you have a right to expect that they will do what they were hired to do. The sooner you confront an employee, the sooner she can be helped.
- Have an informal talk. Tell the employee that her job performance is unsatisfactory and use your documentation to back up your statements. Describe, don't evaluate. For example, you might say, "Jane (John), I see that you have taken sick leave every Monday for seven weeks" rather than, "Jane, you must be drinking a lot on weekends to have a hangover every Monday." Tell her that, if she has a health or personal problem which may be causing this poor performance, you can refer her to someone who may help. Whether she gets help or not is up to her—but, with or without help, her work must improve or you'll take more formal action.

- Be consistent. Once you have confronted an employee, *follow through!* If you say that additional action will be taken unless she improves, *take it!* An employee's commitment to help herself hinges very strongly on your commitment to follow through at your end.
- Don't wait for the last crisis; by then you may be too late.

Referral—Getting an employee lined up with the right kind of help involves different routes, depending on your agency facilities. Generally, the pattern is this: Your agency will have policies for alcoholism, drug abuse, and other problems which cause trouble on the job. It will probably have designated someone with access to counseling and treatment resources—either in the agency, a neighboring larger agency, or in the community. That person can help you with advice on handling your initial confrontation with a problem employee, and by referring him to a facility where help is available.

Feedback—What kind of feedback can you expect, once you've referred an employee for help? Because the confidentiality between the employee and counselor must be maintained, specific details or a definition of the problem may never reach you. That information is confidential in the same way an employee's medical record is confidential. However, with the employee's signed consent, you can generally expect answers to the following questions:

- Did the employee keep her appointment?
- Will additional sessions be needed?
- What can I do to help?

While feedback you get from the counselor will give you a general idea of the employee's progress, your best indicator will always be whether her performance improves. Often, it will. If it doesn't, make the decision when to move into official discipline with the advice of the counselor. If the employee doesn't give the counselor written consent, the counselor can't release any information about her. In that rare event, you must proceed as if the employee has not tried to get help, basing any decision you make solely on job performance. The decision to take administrative action is never easy. But sometimes it's necessary. Sometimes the kindest thing you can do is to pursue administrative disciplinary action when it's appropriate.

With some employees, this may be necessary before they fully understand the need to cooperate.

Suppose It Doesn't Work—If the employee refuses help or if it doesn't result in acceptable performance and conduct, then you should take appropriate adverse action (Chapter 7) on the unacceptable performance or conduct. Another option may be disability retirement. The important point is that you have met your obligation to both the employee and the agency.

Questions and Answers

1. Q. One of my employees has an allergy. Can she receive her medication through our health unit?
   A. Yes, if your health unit can provide this service. But, she must provide the medication and submit a written physician's order, including diagnosis, name of drug, dosage, and possible reaction.

2. Q. Some of my employees are interested in forming a stop-smoking program. Where can we go for help?
   A. Contact your health unit or personnel office. The American Cancer Society, American Heart Association, and other voluntary health organizations can help agencies establish these, as well as other types of health programs.

3. Q. If my employees use the health unit, must they charge their time away from the job to sick leave?
   A. For the most part, your agency decides on such leave. However, OPM encourages administrative leave be authorized for employees for their time at the health unit or participation in health education.

4. Q. What is "employee counseling?" When should I do it, what are my rights, the employee's?
   A. Employee counseling, for the supervisor, involves assisting an employee improve his or her performance either directly (using your skills) or indirectly (by referral to a competent resource). Don't try to counsel employees with personal, psychological, drug or alcohol problems. Use agency counseling services.

5. Q. An employee is going through a divorce, burdened with a sick child or other family problems. He can't get the work done. How can I correct performance and still be humane?
   A. There's no contradiction between correcting performance and being humane. In fact, insisting on acceptable performance may be the most humane thing you can do, if, *at the same time,* you offer the employee the assistance of persons in your agency designated and trained to help with such problems. Don't be taken in by pleas for sympathy. Very often your firm insistence on performance, while, at the same time, offering trained assistance for personal problems, will stimulate the process of recovery for troubled employees.

6. Q. What kind of leave should I grant to an employee who requests it for an alcohol or drug problem?
   A. You *must* grant sick leave (provided it's available) for treatment or rehabilitation as in any other illness. If the employee has used up his sick leave, you must decide whether to advance sick leave (considering agency policy and the circumstances of the case). Similarly, administrative leave may be granted for visits to an agency counselor or coordinator, again based upon agency policy and the facts of the case. An employee who is absent from the job, who is not in treatment, and who has not been granted annual, sick, or administrative leave in advance, should be placed on AWOL.

7. Q. An employee shows up acting "out of it." I ask if he's o.k. and he says "yes," but doesn't do much work. I call him to again ask what's wrong and he says "nothing," but can't seem to get working. What are my options?
   A. It's your decision whether he is "fit for duty." If you have access to a health unit, it's a good idea to get their advice. In any event, if you decide to send the employee home, the decision as to what kind of leave he should be placed on is, again, your decision (within your agency guidelines).

8. Q. What if my boss has a drinking, drug or emotional problem?
   A. First, unless it's interfering with the job, it's her business and not yours. Assuming it's interfering with her performance, (and that includes her supervision of you), there are really only three options: (1) confront your boss, directly; (2) go to your boss's boss; or (3) go to the agency-designated coordinator/counselor for advice. The counselor/coordinator can advise you about the advisability of the other alternatives.

9. Q. An employee has had a performance problem. I've referred him for counseling, but there's been no noticeable improvement and performance continues to be unsatisfactory. When is it appropriate to initiate a fitness for duty exam (medical or psychiatric) as a prelude to reassignment, disability retirement or termination?
   A. First, let's get things in perspective. A fitness for duty exam is a means of gathering additional information so you can make a more informed decision. It doesn't commit you to any action. It simply enables you to consider your options.

   For example, let's say your employee turns out to be an alcoholic or a drug addict. For you to consider the option of disability retirement, a fitness for duty exam would have to show some "disabling" condition (psychiatric or medical) *besides* alcoholism or drug addiction, since the law still prohibits retirement based on these illnesses. If the exam fails to turn up such a disabling medical or psychiatric condition, this closes down one of your options.

   Let's suppose, however, that the exam leaves this option open. What do you do then? This is a tough question to answer, because a lot depends on the individual circumstances.

   It can be a "cop out," for example, to retire an alcoholic employee for medical or psychiatric reasons, when pursuing disciplinary action based on performance or conduct might provide the "crisis" in his life that enables him to see his problem and benefit from treatment. Moreover, a retirement check for the remainder of his life can be an effective barrier to treatment.

   On the other hand, other factors should be considered; for

example, the likelihood of recovery (he may be too far gone to benefit from treatment). You will want to talk to your coordinator/counselor about all these. Possibly, too, someone in Employee Relations should be consulted. In any event, if, after given a chance to rehabilitate, your employee still can't perform satisfactorily, then a fitness for duty examination may be pursued to determine eligibility for disability retirement (either agency or employee initiated).

13

Ethics

***Chapter 13* Highlights**

What are the basic principles of ethical conduct?

What outside employment is forbidden?

How do you deal with employees in debt?

How do the Freedom of Information and Privacy Acts apply?

What political activity is allowed by the Hatch Act?

Basic References: Criminal statutes on bribery, graft, and conflicts of interest: Title 18 U.S.C. 205 *et seq.* Standards for ethical conduct: Executive Order 11222, May 8, 1965. Individual agency regulations based on Government-wide regulations of OPM: Title 5 CFR Part 735, and FPM Chapter 735

Some of the problems you face as a manager will not involve conduct or activities on the job. Problems that can be lumped under ethics, integrity, and conflict of interest will arise generally because an employee has outside interests that become incompatible with his Federal position. Because off-the-job conduct or interests are involved, the understandable inclination may be for a manager to look the other way unless an employee's day-to-day performance is affected. Obviously, a manager who meddles into an employee's off-duty conduct does so at some peril, particularly if the conduct involves something as amorphous and elusive as ethics or conflicts of interests. But, certain standards are imposed on all employees by statute, Executive order and regulation, and these can't be ignored.

General Ethics Principles—The foundation for agency policy on ethical conduct is an Executive order. The broad principles of Executive Order 11222 illustrate why it may sometimes be difficult to draw a line between ethics and employee conduct. Under the Executive order, employees are to avoid any action *that might result in, or create the appearance of:*

- Using public office for private gain.
- Giving preferential treatment to any organization or person.
- Impeding Government efficiency or economy.
- Losing independence or impartiality of action.
- Making a Government decison outside official channels.
- Affecting adversely the confidence of the public in the integrity of the Government.

The breadth of these principles makes it easier to understand why the following discussion will sometimes overlap with other matters covered in this handbook. Where it appears that you have an ethical conduct problem with an employee, you can obtain help from your agency's ethics official.

Ethics in Government Act—Among the recent developments involving ethics and conflicts of interest, is the "Ethics in Government Act of 1978."[1] That legislation, however, should present few problems for you as a manager. The Act imposes financial disclosure requirements only on employees whose basic rate of pay is GS-16 and above and certain employess in confiden-

[1] Public Law 95-521.

tial or policy-making positions. It also restates post-employment restrictions on certain types of activities for *all* employees in connection with matters in which they participate. And, there is a two year ban on a former employee acting as a representative on a particular matter for which he had official responsibility. Except for stricter standards imposed on certain employees who served in positions at the level of GS-17 and above, these restrictions on activities after an employee leaves the Government are not new. Problems involving the financial interests of employees in grades GS-16 and above, and the activities of former employees, would ordinarily be outside the scope of your responsibilities.

Outside Employment—More than likely, however, you'll be confronted with questions about the outside employment activities of a present employee. The general principle is that an employee must not engage in any outside employment that might result in a conflict or apparent conflict with her official Government responsibilities. Obviously, a rule of reason must be applied to this broad language, because almost any manner of outside employment "might result" in "an apparent conflict" with an employee's responsibilities. Governmentwide regulations issued by OPM are phrased in terms of outside employment or "other outside activity" not compatible with "the full and proper discharge of the duties and responsibilities of . . . Government employment." By way of amplificiation, incompatible activities are described as those where an employee receives a fee or something of monetary value under circumstances that *may* result in a conflict of interest or create the *appearance* of such a conflict.

Also prohibited is outside employment that tends to impair the mental or physical capacity of an employee to perform his duties acceptably. Finally, a separate criminal statute prohibits an employee from receiving a salary or anything of monetary value from a private source as compensation for services to the Government. Engaging in conflicting outside employment, or receiving money from outside sources for Government service, is within the realm of ethics and integrity. An employee might well be performing properly on the job, jet discredit the Government by the use of his position to obtain payment of money or other benefits from outside interests. Employment that in-

terferes with the physical or mental ability of an employee to perform his duties falls more within the category of unacceptable performance (Chapter 7) than ethics or integrity. Your concern as manager would not be with the character of the outside activity, but with the fact that the outside activity is impairing the employee's ability to perform on the job. Approach this type of problem as a *performance* issue. By making outside employment the issue, obvious complications can develop. What is in reality a problem of performance can be sidetracked into a controversy about agency intrusion into what an employee does with his own time. With the other types of imcompatible activities, your first point of contact should be the agency ethics official. While there are some restrictions on outside employment or activities, applicable regulations point out that employees are encouraged to engage in outside activities such as teaching, lecturing, and writing not prohibited by law or agency regulations.

Reasonably enough, an employee cannot teach, lecture or write when the purpose of that activity is for the special preparation of individuals for a Government examination by using information not available to the public generally or approved for use by the agency head.

Restrictions on outside employment will naturally vary from agency to agency, depending upon the nature of their mission. Most agencies require employees to obtain permission or, at a minimum, report to their supervisor when they engage in outside employment.

Financial Interests—Related to the restrictions on outside employment is a restriction on financial interests. Employees are not permitted to have direct or indirect financial interests that conflict substantially, or appear to conflict substantially, with their duties and responsibilities as Federal employees. These restrictions vary from agency to agency. By legislation, for example, Federal Power Commission employees may not hold shares of stock in electric utilities and gas companies. And, generally, certain employees in every agency must report their financial holdings to determine whether those interests conflict substantially (or appear to conflict substantially) with their duties. Ordinarily these are GS-13 and above employees

responsible for contracting or procurement, grants or subsidies, regulating or auditing private enterprise, or who have other responsibilities with an economic impact on non-Federal activities.

You should not encounter problems with these restrictions in your role as a manager since they are the responsibility of your agency ethics official. But be sure to consult with that official if a problem of this sort comes to your attention.

Employee Debts—Among the ethics problems that may come to your attention is employee indebtedness. By Executive order, employees are expected to meet all "just financial obligations," especially those imposed by law (i.e., Federal, state or local taxes). By regulation this has been extended to require employees to pay such obligations in a "proper and timely manner."

A "just financial obligation" is one that is acknowledged by the employee or reduced to judgment by a court, or imposed by law. Payment "in a proper and timely manner" means in a manner which the agency determines does not reflect adversely on the Government as an employer. In a dispute between an employee and a creditor, the agency need not determine the validity of the debt.

The rationale is that Federal employee salaries are usually not subject to garnishment. Since creditors cannot use this traditional method to obtain payment, it would reflect unfavorably upon the Government if its employees could use their status to default on their creditors. The Government should not be burdened, however, with the responsibility of serving as a collection agency, particularly if there is a dispute about the validity of the debt.

The first step in dealing with employee indebtedness should be counseling. Usually, your personnel office can provide counseling, or advise which alternative may solve the problem by encouraging the employee to work out a payment plan with the creditor. As with most conduct problems, your action, when an employee is stubborn and refuses to cooperate, depends on the circumstances. When there has been no pattern of indebtedness problems and a single unpaid debt is at issue that

has not been acknowledged, reduced to judgment, or imposed by law, removing the employee on those grounds alone would be improper. The debt should be reduced to judgment, acknowledged or imposed by law (taxes) before it can even be characterized as a "just financial obligation."

Even when those conditions are met, there may be mitigating circumstances. In any event, the first step in dealing with indebtedness should be an attempt to resolve it informally by counseling.

Disclosure of Information—Within the scope of ethical conduct, there is a general prohibition against an employee using official information that has not been made available to the general public to further a private interest. This prohibition immediately suggests a discussion of the Freedom of Information Act (FOIA)[2], the Privacy Act,[3] and new provisions under the Civil Service Reform Act for protecting whistleblowers. It may well be assumed that in light of this "openness in government" legislation, restrictions on disclosing information are a dead letter. Yet, on closer analysis, there is some vitality to this particular restriction on disclosing information, even in this era when the clear trend is toward almost unlimited access to records in the hands of the Government.

The Freedom of Information Act is a misnomer since it deals not with information generally, but nearly exclusively with access to agency records. You should remember that you are not legally obliged to answer questions under FOIA, perform research, or give your point of view on a given matter. Neither can you be stampeded into providing records on the spot. To invoke the Act, requesters must follow agency procedures that ordinarily call for a request to be made in writing. And, after a request has been received, an agency still has ten working days to decide whether the records requested should be withheld or disclosed.

The Privacy Act is even more limited, since its coverage is confined not only to records, but records in a "system of records." To put it another way, someone cannot invoke the Privacy Act simply because an agency has a record on him or her. It must also be a record within a system of records. A system of re-

[2] Public Law 93-502
[3] Public Law 93-579

cords, under the Privacy Act, means "a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some . . . identifying particular assigned to the individual."

Whistleblowing—The law on whistleblowers protects an employee or applicant for employment against personnel actions as a reprisal for disclosing information. Notice that the protection is not limited to disclosure of records. But it extends only to disclosure where the individual "reasonably believes" the information evidences either: (1) a violation of any law, rule, or regulation; or (2) mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Moreover, disclosure of the information is not protected if it is specifically prohibited by law or specifically required to be kept secret in the interest of national security. Thus, a whistleblower would not be protected if he or she wrongfully discloses records covered by the Privacy Act. Nor would this protection extend to a similar disclosure of properly classified information. However, this area of records and information disclosure is so technical and specialized that you should seek the advice of your agency's legal counsel.

Misuse of Information—Getting back to the general prohibition on misuse of official information: as with whistleblowing, it extends to information generally, and not just records. On the other hand, it deals with the *use* of information and not merely disclosure. Mere disclosure, therefore, may not be enough for this provision to be applicable. Moreover, the information must be used to further a private interest. The usual defense invoked when an employee is accused of leaking information to the press or others is that the public interest is served by bringing the information to the attention of others. The more discernible the public interest, the less likely it would be that an employee could be held accountable. What contrasts this prohibition from the others, and what suggests its continued vitality, is its purpose which is to prevent employees from using official information for their own private benefit or the private benefit of others.

Hatch Act Restrictions—Another area of ethics that creates occasional problems is prohibited political activity. The law on

prohibited political activity is commonly known as the "Hatch Act." Because it restricts First Amendment rights of employees in the interest of maintaining the independence and integrity of the civil service, it has long been the subject of controversy. Under the Act, no employee may use official authority or influence to coerce the political action of individuals or groups. And, no employees—except Presidential appointees confirmed by the Senate—may request, give or take political contributions from other employees.

Employees may not use official authority or influence to interfere with or affect the result of an election and cannot take an active part in political management or campaigns. These two prohibitions do not apply to: (1) employees paid from the appropriation for the Office of the President; (2) heads or assistant heads of an executive or military department; or (3) to employees appointed by the President and confirmed by the Senate who are involved with formulating foreign policy or administering Federal laws on a national scope.

Employees may register and vote in any election, express their opinions on political matters, belong to political parties, make financial contributions to a political party and attend political conventions as spectators. *Active* participation, however, is prohibited unless the activity is in connection with a nonpartisan election or campaign.

In some communities where the majority of registered voters are Federal employees, OPM has granted exceptions from some of the restrictions. In these communities, employees who are residents may actively participate in political management and political campaigns in connection with partisan elections for *local* offices if the political activity is as an independent candidate or concerned with independent candidacy. But, the activity must not result in neglect of the employee's duties or create a conflict of interest.

OPM has general policy responsibilities for the Hatch Act, including granting exceptions for communities composed mostly of Federal employees. The Office of Special Counsel of the Merit Systems Protection Board has enforcement responsibilities and issues advisory opinions on potential Hatch Act violations. If a problem involving the Hatch Act arises, you

should contact either the Office of General Counsel (OPM) or the Special Counsel (MSPB).

Questions and Answers

1. Q. An employee asks you for permission to act as a representative for another employee in your agency in a discrimination complaint proceeding. Isn't this a conflict of interest since the Government would be a defendant in the proceeding?

   A. A criminal statute, 18 U.S.C. § 205, prohibits an employee from acting as an attorney or agent in a claim against the Government. However, an exception in the statute permits an employee to engage in that type of activity "if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings."

   However, the proposed representation must still be examined in light of the employee's duties, to make sure there would be no real or apparent conflict with his regular assignment. It must also be determined that you can spare the employee the time away from his regular duties.

   The Civil Service Commission (now OPM) has issued two bulletins on this subject. (CSC Bulletin 713-41 of October 10, 1975 and CSC Bulletin 713-44 of November 10, 1976).

2. Q. A "Schedule C" employee who views you as a confidant says he is going to expose corruption in your agency by making certain records available to the *Washington Post*. He wants to know if he would be protected by the whistleblower legislation. Can you assure him he will receive such protection?

   A. No. Schedule C employees are not protected by the whistleblower provisions of the Civil Service Reform Act. The Act prohibits "personnel actions" as a reprisal for certain disclosures, but "personnel action" is

defined by 5 U.S.C. §2302 as applying to "covered positions" in an agency. The definition of "covered positions," in turn, excludes "a position excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character."

3. Q. An employee in your section is gathering donations from fellow employees to buy a wrist watch for the branch chief who broke his watch in a skiing accident. Is this permissible?
   A. No. Under the existing statute at 5 U.S.C. §7351 an employee may not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself. Under the statute, an employee found in violation, *shall be removed from the service.* The harshness of this prohibition is mitigated somewhat in Government-wide regulations at 5 CFR 735.202(d) that permit a "voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement."

4. Q. One of your employees, who is required to file a financial statement because of her duties, has an interest in a firm that sells auto safety equipment. She was advised at the time she was hired that agency regulations prohibit financial interests in the automobile industry. She transferred the interest to a trust for her minor son. Does that take care of the problem?
   A. No. Under E. O. 11222, sec. 403(a) the interest of a spouse, minor child, or other member of the immediate household is an interest of the employee.

5. Q. After an interview with an employee about a personal problem that may lead to discipline, you have your secretary type up the notes in memorandum form and the memo is forwarded to the section chief for information. The employee claims your disclosure to the secretary is a violation of the Privacy Act. Does he have a legitimate complaint?

A. This is not a violation of the Privacy Act. Even assuming the information is covered by the Act, disclosure is permitted "to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties." 5 U.S.C. § 552a(b)(1). There would also be a question at this stage of the process whether the information is in a "system of records" as defined by the Act at 5 U.S.C. § 552a(a)(5).
The fact that record information is not covered by the Privacy Act, of course, does not mean that you should disregard employee privacy; be sensitive to employee privacy on grounds of good management policy.

6. Q. A reporter from the *Federal Times* requests the name, grade, salary and duty station of all the employees in your section under the Freedom of Information Act. Are you required to provide this information?
   A. Yes. By regulation, the OPM at 5 CFR 294.702 has provided that the name, present and past position titles, present and past grades, present and past duty stations of *most* Federal employees are available to the public upon request. If you have any doubt about disclosure due to the sensitive nature of your employees' functions, check with your agency Freedom of Information officer or legal counsel. A request may also be denied on grounds of an unwarranted invasion of personal privacy if the way the question is phrased would require a response that would reveal more information than the items listed above—for example, where the request asks for the name, grade, and salary of all employees who are divorced and have two or more minor dependents. An affirmative response to that question would reveal a great deal more about the employees than just their name, grade, and salary.

7. Q. Under present Hatch Act restrictions, just how active can a Federal employee be in a partisan political campaign?
   A. The general rule is that employees cannot participate at all in campaign activities. But, they may express their

individual opinions on political subjects and candidates by wearing campaign buttons, for example, or by displaying automobile bumper stickers. They can attend political meetings solely as spectators. As an exception to the general rule, White House employees, department heads and assistant heads, and some Presidential appointees can take part in all aspects of a political campaign.

8. Q. The Hatch Act seems to impinge upon the First Amendment rights of Federal employees. Doesn't that make the law unconstitutional?

   A. No. The Hatch Act has been challenged several times in the Supreme Court. The Court has consistently upheld the constitutionality of the Act. The Court has said that the First Amendment right of political association and participation is not absolute. Therefore, Congress may regulate political activities of Federal employees to promote the efficiency and effectiveness of public service. The Supreme Court has recognized, however, that the problem is to strike a proper balance between the interests of the employee as a citizen and the interests of the Government in fostering an independent civil service.

14

Improving Productivity

***Chapter 14* Highlights**

What is productivity?

What does it mean to you?

Where do employees fit in efforts to improve productivity?

What measurements are needed?

What approaches can you take to increase productivity in your organization?

With implementation of the Civil Service Reform Act, every Federal manager will be:

(1) Expected to undertake new initiatives aimed at increasing the productivity of the Federal work force; and
(2) Rewarded appropriately for implementing programs, systems, procedures and processes that result in significant productivity increases.

This legislation reflects a recognition of what we all know to be true—that productivity is a national problem, both in industry and government, which requires forceful action by every manager and every employee. For this reason, it is imperative that you as a manager:

- Analyze systematically the problems relating to productivity within your organization to arrive at a correct diagnosis.
- Develop reliable measures of productivity to get an accurate base line before acting.
- Take an organized and uniform approach to productivity improvement by involving at the outset the active participation of employees through their elected employee representatives.
- Test, evaluate, measure and communicate the results.
- Expand or modify the process based on the results.

You and your organization will, in all probability, need some assistance. OPM is organized to provide help through: research and development; measurement and analysis; testing and evaluation; consulting (process and technical); and training (management, professional and technical).

In the end, you must decide the approach, take the initiative, provide the leadership and apply your resources effectively to achieve expected results.

National Productivity Council—The President has taken several actons to improve national productivity. On October 23, 1978,he established the National Productivity Council, made up of the heads of OMB, CEA, OPM, Labor, Treasury, Commerce, the Office of Science and Technology Policy, the Council on Wage and Price Stability, the Council on Environmental Quality, and the Office of the Special Representative for Trade Negotiations. Responsibilitly for productivity improvement in the Federal

work force was assigned to OPM. The Council is working with agencies to assure that they identify and eliminate duplication of activities and identify issues of public and private productivity improvement (including needed legislation). It serves as the focal point for liaison with the private sector.

President's Management Improvement Council—In May 1979, the President established the Management Improvement Council to support productivity improvement in the Federal government. Co-chaired by the Directors of OMB and OPM, membership will include representatives from labor, business, academia, foundations and officials of Federal and State and local governments. The PMIC will:

- Provide advice and assistance on critical management problems and issues of Federal agencies.
- Undertake specific management improvement projects involving one or more Federal agencies.
- Encourage and support development of management systems or techniques to improve the effectiveness of Federal programs.
- Identify critical management problems and constraints on management effectiveness, and propose solutions to these problems.
- Use the combined experience of the public and private sectors in developing concrete, immediate solutions to the problems and issues of public sector management.

What Productivity Means To You—As a member of the Senior Executive Service, or a merit pay manager, your compensation, your rewards, your job as a manager depend on your performance and that of your organization. You must not only maintain efficiency, effectiveness, and responsiveness, but must improve your operations. The Civil Service Reform Act defines the criteria for Federal productivity as:

- Improvements in efficiency, productivity, quality of work or service, including significant reduction in paperwork.
- Cost efficiency (reducing costs or maintaining them in spite of inflation).
- Timeliness of performance.
- Other indications of your organizations's effectiveness, productivity, or quality of performance.

This working description reflects the range of factors the Congress considers important in evaluating the public service, and substitutes results, rather than corporate profit measures, as the "bottom line." Your "job elements" may well include such measures; if they don't now, they probably will in the future.

What is Productivity?—Broadly defined, "productivity" refers to organizational performance. It's not only *efficiency* (output per employee) but also *effectiveness* (how far the output satisfied program objectives). Put another way, productivity is concerned with both "doing things right" and "doing the right things." So it involves not just how much product is produced—or service delivered and at what cost, but also quality, timeliness, and responsiveness. For example, issuing 20 percent more vouchers per clerk (efficiency) doesn't make much sense if they double the number of errors, or the mail room can't keep up with the increase (effectiveness). You've got to find a *balance* for improving your operations.

Where to Start—Rate yourself as a manager—be honest with yourself. No manager is perfect, and one place to start looking at productivity is in your own performance as a manager. Your job is getting more complicated and challenging every day, as you manage your three basic resources—money, materials and equipment, and people. This chapter focuses on people, which many managers feel is the most difficult, yet rewarding, part of their job.

Getting Employees Involved—If you've been a manager, no doubt you already have some ideas about where and how your unit's operations might be improved. Perhaps it's simply training a few employees in job skills. Perhaps simplifying a form, or maybe you've been considering a staff reorganization or improved facilities. Talk these over, informally at first, with your employees and if appropriate, with the union representative. (Many Federal installations have successfully established joint Labor-Management Committees which deal with broad areas of concerns, including productivity improvement issues). Be open; don't present your views and ask for approval. The most useful ideas will be generated when employees believe that management is sincere in its request for their input. Use your own ideas merely

to motivate employees to think about productivity; discuss what improved productivity could mean to the organization, and to them. Remember, without their cooperation, your job will be tougher, if not impossible. Here are some questions you might ask:

What tasks can we do more efficiently?
What might we stop doing?
What can be done better by someone else?
Which of our procedures need to be shortened, simplified, eliminated?
What are employees unhappy about? Too much work? Too little work?

Quality of Work Life—While productivity refers primarily to performance, quality of work life (QWL) is concerned with your employees' well being. The two concepts are interdependent. Performance depends on the vitality and contributions of employees. At the same time, employees' concerns and interests are best served by a productive organization which continuously encourages them to develop their skills and capacities and to participate as fully as possible in decisions about how to get the work done most efficiently and effectively. Clearly, one of the best employee motivators is knowing you're doing a useful job, and doing it well. And such knowledge equally benefits the organization.

Don't expect immediate answers, nor an enthusiastic response at first. "Productivity" has been a suspect word in the minds of some employees and union leaders, who may still believe that it means speedups, layoffs, or management pressure. But union leaders have increasingly come to accept the idea that productivity can help both management and labor—if the program is perceived as fair, and employees have fully participated in its planning, implementation and rewards. Employee participation is critical because each party has a strong, personal interest in the success of the effort.

After your informal conversations with employees and others, you may want to consider setting up a task force of employees, supervisors, union representatives as appropriate, and others who have special expertise to share. At this point it is important to check with your personnel office to make sure you

are acting in accord with the labor relations policies and agreements of your agency.

Report Your Findings To Top Management—Report your findings to your boss; get him involved; get his ideas on productivity improvement, perhaps ask him to meet with your peers to identify common problems, and common solutions. Ask him to meet (with you) with the person in your agency responsible for productivity improvement (often the Assistant Secretary for Administration or equivalent). You'll need lots of help from top management—perhaps to redefine your mission, or perhaps simply to get the support and commitment to innovate. You'll also need to discuss your agency's new system for evaluating performance and linking pay to that performance. Other priorities to discuss with top management include:

- *Reducing Regulations:* The President has directed not only a major reduction in the number of Federal regulations, but has ordered that regulations be written in language clear to the average citizen. New regulations should be designed to improve productivity as well.
- *Improving Cash Management:* Small improvements in managing your funds can result in significant savings. This brings into play some of the techniques normally used in business, such as accelerating collections; disbursing payments on time; and ensuring that cash balances are earning interest. All can result in substantial savings.
- *Reducing Paperwork:* The Commission on Federal Paperwork made over 600 recommendations to reduce this burden, and government paperwork has been reduced by over 12 percent in two years, but you need to continue this effort.

Analyze, Measure, Analyze—You'll need to analyze and measure—before and after you make changes—not merely to justify your changes but, to help you analyze and document the mission, objectives and activities of your organization. Even if your organization has well established written procedures, it's a good idea to take a fresh look at what you're doing and why. White collar workers, especially professionals, often resent the suggestion that their work can be measured or graded. And it isn't easy to do well. The object is to measure how well they

and their units are doing so that further improvements can be made.

Managers also worry about the *results* of measuring productivity. This concern has had some validity in the past for three basic reasons:

- Measures have often been inadequate.
- The data sometimes has been used improperly in making decisions.
- Many managers believe that productivity increases will be used to reduce their budgets.

Productivity data must be used intelligently; you've got to consider overall program effectiveness and impact on recipients. Unfortunately, some managers tend to use data regardless of quality, and without proper judgment.

To combat this, you'll need to approach the problem carefully. For example, outputs don't always reflect changes in quality. In a data processing unit where the measure of output is number of forms keypunched, redesigning a form to provide more information is a quality change. Thus, if the measurement index is not adjusted for quality change, the resulting measure of efficiency may reflect negative changes in productivity.

As is clear, we need to work on improving measurement. But it's time to start, to learn, and to refine. With improved information on productivity trends we'll all be in a better position to enhance our operations.

What to measure—First, you must decide what *should* be measured. To do this, you (or the group you've appointed to do it) must decide on the most important aspects of each process, and especially on the results you want to achieve. For example, if you control the entire process you'll want to measure the output (number of letters answered, number of claims reviewed) and the input (number of staff hours, by type and grade of employee). Then, identify measures of effectiveness and quality. Managers often ask how much detail and accuracy they need. Generally, you can begin with broad measures; then, after you get the "feel" of the measurement system, you'll want to refine it so you can compare your own results over time, or compare them with other units doing similar work.

Some measurement systems have evolved over the years into complex systems involving technical staffs who continually make "improvements." The danger here is that the system becomes the result rather than the means to an end; and, there's also the danger that supervisors and workers may not understand the system and be turned off. Remember there is no "correct" way; only one that works for you.

Some Approaches To Consider

Ok, you've analyzed your work, have begun a measuring system, and found some problems. Here are a few questions to ask, approaches to consider.

"People" Approaches—In response to demands for more service (product), do you simply recruit more employees or do you try to increase your staff's capability? The money you spend on more staff might be better spent on upgrading your people or their equipment, or redesigning their procedures or work styles.

- When do you have the heaviest demands on staff time? Part of each day or week? Seasonal? Have you considered flexitime, or part-time or intermittent employees? The Social Security Administration in Baltimore has already used flexitime for a few years with good results, reporting improved worker attitudes, increased output, and less need for overtime.
- Do you give your staff maximum authority, responsibility and accountability? Many managers under-use their staffs because they under-rate them. You might increase effectiveness by decentralizing authority—holding lower level employees more accountable for their own performance. And, these same employees may find their jobs more rewarding.
- Do you train people adequately for the real problems they will confront, or is training mostly a "reward"? Do you spend enough time counseling employees to identify their weaknesses, and correcting those weaknesses? (Chapter 4)
- Do you properly reward good performance and take action to correct poor performance? Do you, for example, expect that an employee's salary is reward enough for good work, or do you try to understand what will motivate him to continue to do good work, and perhaps outstanding work?

There are many examples of incentive award systems proving beneficial, but a major one involves civilians at a west coast Naval shipyard. Using management practices allowed under existing legislation, a work motivation program was established that increased production substantially and reduced the need for overtime. Other agencies that have used incentives in significant ways include the Census Bureau and the Foreign Agricultural Service in the Department of Agriculture. (Chapter 6)

- How much time does your staff spend on nonessential work? Writing reports of marginal value, writing a letter when a telephone call will do, reviewing work that others should be held accountable for?

The Civil Service Reform Act addresses many of these personnel problems. One key issue is the new performance appraisal system, which requires you to develop with the employee and to explain "critical elements" of each employee's job. (Chapter 3) If you're unsure about these, or skeptical, seek training or explanation from Personnel.

Procedural Approaches—Government, like most large organizations, has many procedures; some inherited from past generations of managers and obsolete; some brand new, installed because of new laws, regulations, or policies.

One way to analyze procedures is to prepare a series of flow charts for all your activities. Don't forget to involve the workers as well as the supervisors. Your charts should show how things *really* work, not how you or your boss *think* they work. You may find, for example, that a report or contract requires more clearances than you thought, or that employees don't understand the total process they're part of; only their immediate work.

The Bureau of Health Planning and Resources Development in HEW has made extensive use of charts of this type to systematically lay out the work they can accomplish. Similarly, the Legal Services Corporation, a government corporation, has also adopted this approach. Although flow charts are usually thought of as most appropriate for industrial production, these agencies have found them useful in the social service areas, indicating that identifying objectives and processes to accomp-

lish those objectives can be approached from a common framework.

Environmental Approaches—Much has been said about improving the industrial environment; the efficiency of manufacturing plants has been studied for decades, but with about 42 percent of the U.S. work force now "white collar," we're just starting to examine productivity in the office.

One dismaying result of such scrutiny is to find that the costs of the office component of doing business have increased much faster than total costs. In 1960, office costs were 25 percent of the total cost of the business. In 1975, they were 40 percent.

Environment can and should be conceived of as a tool for encouraging better performance. The shape of the office, its spaces, placement of furniture and equipment, light, color, and sound can all be used to support (or hinder) its occupants and their work. Also the OSH Act of 1970 requires the Government to provide a *safe* and healthful worksite. A reduction in the lost-time of employees through accidents and injuries can result in *increased* productivity. (Chapter 12)

Many private corporations have, in the past decade, done extensive analysis and revamping of their offices with measured results of increased productivity and job satisfaction.

- McDonald's corporate headquarters in Chicago, opened in 1971, sought to achieve a status-free environment, with open planning and specially designed work situations. They report that "turnover among clerical and administrative workers dropped 75 percent . . . and that morale and spirit increased."
- The Weyerhaeuser Corporation, after installing carefully designed furniture in an open office layout, reported that 35 percent of the workers felt they were making faster, better decisions.
- The Reader's Digest in New York City, one year after installing flexible system furniture, reported an increase in work-flow and communications between project members, and a 25 percent increase in the number of projects in motion at one time.

- In a lighting study done by the Social Security Administration, productivity of typists increased 28 percent when lighting was increased from 50-foot candles to 150-foot candles.

Individual Needs—Do the employees each have enough space and the right kind of space to properly do their work? How do they know? How do you know? Is their equipment and furniture in working order and appropriate for the job? Is the work space adjustable to individual needs and individual tasks?

Group Needs—Is the space adequate for meetings, movement, good communication and interaction? Can the space be adjusted to meet changes in group size? Structure? Tasks?

These are the sort of questions you'll want to discuss first with employees, and then with your organization's space, procurement and other specialists. Too often, the long range planning and justifications involved in space and equipment encourage procrastination. If these factors are important, they're worth working on.

Capital Investments: Budget Considerations—Productivity can often be enhanced by investing in equipment. Some of the reasons this is often not done are:

- Major spending on equipment requires detailed justification and the long lead time of the budget process.
- Many managers simply don't have enough information about equipment to understand its implications for reducing costs and improving operations.
- Unions may fear that labor-saving equipment will cause layoffs.

In the past few years the Department of Defense has supported a Productivity Enhancing Capital Investment Program to improve efficiency through labor- and cost-saving equipment and facilities. The program has two facets—one to encourage long-range investment planning, and the other to provide seed money for near-term fast-payback projects. Here are some examples of benefits when investments are *properly* made:

- A warehouse manager bought two "stock selector" trucks for $25,000, which saved $16,000 a year and paid for themselves in 18 months.

- A machine shop manager installed a vertical band saw for $53,000, which saved $47,000 a year by increasing productivity and reducing overtime.
- A maintenance activity acquired a chrome plating machine for $96,000 to refinish worn transmission parts instead of buying new parts. Savings of $326,000 a year are expected during the ten-year life of the equipment.

But, managers can goof here just as easily as in managing personnel. Here are two capital investments that did *not* improve productivity or reduce operating costs:

- A justification for two power sweepers, with estimated annual savings of $34,000 and a two-month payback, was based on a savings of about 50 staff-hours weekly. But the sweepers were used only to clean limited areas, with no reduction in personnel hours.
- A justification for a line printer with estimated annual savings of $6,100 was based on releasing an employee, but the employee continued to do the same work as before, with no evidence of increased production.

The Government Accounting Office found that DOD's "Fast-payback" investment program was only partially successful because, too often:

- Managers didn't pay enough attention to identifying investment opportunities.
- Managers were reluctant to make the investments because they were risking their reputations if the equipment didn't pay off.
- Pre-investment analysis and justification were often wrong or incomplete.
- Savings were inadequately monitored or inaccurately reported.

OPM will be encouraging demonstration projects within agencies and cooperative efforts among agencies, as well as identifying investment alternatives that will be appropriate to multiple agencies. You'll need to talk with your procurement and budget people about capital investment opportunities. It's a new subject for most Federal managers, so watch your step. But it may have more potential than you realize.

Steps in Implementing a Productivity Program

1. Identify those areas "ripe" for productivity inprovement.
2. Locate models in other jurisdictions.
3. Define the roles of those who will be involved in planning and implementing the program.
4. Set realistic goals and objectives for the program.
5. Choose among alternatives.
6. Anticipate problems.
7. Implement the program.
8. Evaluate the program.

15

Senior Executive Service/ Executive Development

***Chapter 15* Highlights**

Who are members of the Senior Executive Service?
What kinds of appointments and positions are there in SES
How are positions filled?
How do you get into SES?
How are SES members appraised, paid, and rewarded?
How are they removed?

Basic Reference: Material currently appears in FPM Bulletins in the 920 Series

The Senior Executive Service (SES) is a separate personnel system for the men and women (currently about 8,500) who set policy and administer programs at the top levels of Government. Its purpose is to:

- Provide greater authority to agencies in *managing executive resources.*
- *Attract* and *retain* highly competent executives, and *assign* them where they will be most useful in accomplishing the agency's mission.
- Provide for *systematic development* of managers and executives.
- Hold executives *accountable* for individual and organizational performance.
- *Protect* the rights of career executives.

If you are at GS-15 or below, you'll want to know about how to get into the SES. If you are already there, you'll want to know how the SES affects you personally as a member, and what flexibilities are available in the system for managing SES personnel under you.

Who's Included—SES covers most managerial, supervisory, and other policy making jobs equivalent to GS-16 through Executive Level IV, except positions excluded by law (e.g. those requiring Senate confirmation, Foreign Service, Administrative Law Judge, the FBI and certain intelligence agencies) or by the President. There is a Government-wide limit of approximately 10,800 on SES and nonsupervisory GS-16/18 positions combined. There is a separate limit of 517 on ungraded, nonmanagerial scientific and professional positions outside SES engaged in research and development.

Agency Positions—OPM, in consultation with the Office of Management and Budget, allocates SES spaces to your agency for a two-year period based on program needs. OPM may adjust allocations up or down in that period, but not more than five percent upward Government-wide. Within its allocation, your agency can establish SES positions on its own, subject to post-audit by OPM.

Types of Appointments—There are four types of SES appointments:

- *Career*—Require competitive action.

- *Noncareer*—No competition, but appointee must meet qualification requirements. No more than 10 percent of SES positions Government-wide, nor more than 25 percent in most individual agencies, may be noncareer. OPM provides an annual allocation for your agency.
- *Limited Term and Limited Emergency*—Limited Term appointments are for special projects or other temporary work up to three years. Limited Emergency appointments are for new urgent hiring needs up to 18 months. OPM must ap-
- prove each use of a limited appointment, but the appointment is noncompetitive.

Career appointees can acquire SES tenure. Other appointees serve at the pleasure of the appointing authority.

Types of Positions—There are only two types of SES positions:

- *General*—These positions may be filled by a career, noncareer, or limited appointment. Thus, when a career appointee leaves, the agency may give the new incumbent a noncareer appointment if the agency is not above its noncareer ceiling. Similarly, the agency may make a career appointment after a noncareer appointee leaves. Most SES positions are General, and most General positions are filled by career appointees.
- *Career Reserved*—Certain positions are so sensitive (e.g., law enforcement and internal revenue jobs) that public confidence could be undermined if their functions were performed in a partisan manner. By law, any position requiring impartiality of this sort may be filled only by a career appointee. The law also sets a Government-wide floor on the number of Career Reserved positions, and OPM may set quotas for individual agencies.

All rights and benefits are identical for career appointees whether they are in a General or Career Reserved position, and career appointees may move from one type of position to the other without change in rights or benefits.

Filling an SES Position—If you make a noncareer or limited appointment, all you have to do is find someone who meets the qualification requirements, and you can make the appointment

without competition or OPM approval. For a career appointment, you have the option of:

- Choosing a current SES member in your or another agency, or someone with reinstatement eligibility to the SES. No competition or OPM approval is necessary.
- Conducting a merit staffing process for persons outside the SES. You cannot limit competition to agency employees, but must announce the position either Government-wide or both Government-wide and outside the Government. Within these areas of consideration, recruitment can be "targeted" to where qualified candidates are likely to be. Candidates have to be rated and ranked by the agency, but veterans preference doesn't apply. (Chapter 1) OPM only has to approve the managerial qualifications of the person selected.
- Choosing someone in an SES Candidate Development Program (discussed later in this chapter). Under certain conditions, successful participants in these programs are eligible to enter the SES without further competition.

In all cases, the agency must ensure that the appointee meets the technical qualifications for the position.

Getting an SES Career Appointment—For a career appointment in the SES, you must go through merit competition under auspices of an agency Executive Resources Board based on a

Appointment Authorities/Position Types

Government-wide Proportion	SES Appointment Authorities	SES Position Types	
		General (about 60%)	Career Reserved (about 40%)
No less than 85%	Career	X	X
No more than 10%	Noncareer	X	—
No more than 5%	Limited		
	• Term	X	—
	• Emergency	X	—

Government-wide vacancy announcement. The agency may also recruit from outside the Government. You also must have your technical and professional qualifications approved by the agency for the specific position. Your managerial qualifications will have to be approved by a Qualifications Review Board (QRB) attached to OPM. The QRB will contain a majority of career members. It doesn't compare one person against another, but only rules on whether an individual meets the managerial criteria established by law. These are:

- Demonstrated success in executive work.
- Successful participation in an Executive Development Program approved by OPM.
- Special or unique qualities indicating likelihood of executive success.

Individuals recruited from outside Government may have their managerial qualifications approved by the QRB with the proviso that they undertake certain developmental activities within a specified time. Everyone receiving a career SES appointment must serve a one-year probationary period before acquiring SES tenure. If you were serving in the Government prior to SES appointment, you have fallback rights to at least GS-15 if you don't successfully complete the probationary period.

Candidate Development Programs—Each agency must conduct (on its own or with other agencies) a formal program for the systematic development of SES candidates. This program will have certain features:

- Primary focus at the GS-15 level, but may have some GS-14 participation.
- Relationship to more broadly based programs (candidates generally drawn from GS-13 and 14 levels) for development of all managers.
- Selection on a merit basis, with appropriate affirmative action to make sure women and minority candidates have full opportunity to participate. (Chapter 10)
- Emphasis on providing managerial and executive skills needed in the agency's SES positions.
- Use of individual development plans in selecting developmental assignments (e.g., line and staff assignments in the

headquarters and field, or interagency assignments). Successful participants are assured of having their managerial qualifications approved by the QRB. These programs will be relatively small and highly selective. Although they will be a primary route into the SES, they will not be the only one. Many employees will enter the SES on the basis of their managerial experience and performance on the job. By preparing and carrying out a personal individual development plan that broadens your experience and supplements it with classroom training, you can improve your chances for SES selection. Your supervisor can help you prepare a plan that matches your need for development with the agency's need to meet work objectives.

Individual Assignments—SES doesn't assume that an individual can hold any executive job. Most SES positions require substantial professional or program expertise, and you must meet the specific qualifications requirements of any position to which you are assigned. But SES permits flexibility in assignment to meet management's needs, and opens up a wider variety of positions to members because SES has no grades. OPM approval is not required to move from one SES position to another.

- *Within the Agency*—Career executives may be reassigned only upon 15 days advance notice, and may not be involuntarily reassigned within 120 days of the appointment of a new agency head or the noncareer supervisor next in the chain of command. This gives time for each executive's capabilities to be adequately judged by the new appointee.
- *Between Agencies*—SES encourages voluntary mobility between agencies since such mobility is valuable in broadening outlook and making maximum use of talent. As an SES member, you may transfer to another agency without OPM approval, and OPM will help arrange transfers. No forced transfer, however, is allowed.
- *To Top Policy Positions*—If you are a career SES executive, you may accept top policy-making positions while retaining career status. You can even leave the SES for a Presidential appointment as high as Cabinet level and retain all SES benefits. After the appointment ends, you are entitled to reinstatement into an SES position.

Executive Development Within SES—Each agency head is responsible for creating a climate conducive to executive growth and providing development opportunities for executives. In turn, SES members are responsible for continuing to develop their own executive knowledge, skills, and abilities, and for fostering the development of their subordinates. You will have an Individual Development Plan that focuses on enhancing your managerial skills, correcting any deficiencies identified in performance evaluations, and preparing you for future assignments. The plan may provide for:

- Developmental assignments within the agency, at other agencies, with State and local governments (mobility assignments), or with private industry.
- Attendance at seminars and conferences.
- Formal education and training, e.g., at a university or the Federal Executive Institute.

Federal Executive Institute—Located in Charlottesville, Virginia, the Federal Executive Institute is an interagency development center operated by OPM. Its programs are designed particularly for the SES and equivalent levels, although a limited number of specially selected GS-15s may also attend. The FEI provides:

- An Executive Leadership and Management Program of three weeks, open to executives within two years after their entry into SES, to help in their transition to executive responsibilities.
- A Senior Executive Education Program of seven weeks, with emphasis on leadership styles, management systems, and self-renewal experiences.
- Short courses of one week or less on such topics as Natural Resources and Energy Management.

Sabbaticals—A unique development opportunity for career executives is the sabbatical, which provides up to 11 months (once in any 10-year period) for study or work experience outside the Government—with full salary, benefits, travel and per diem. It is granted at the discretion of the agency. To be eligible you must have seven years as a Federal executive, including two years in the SES; not be eligible for optional retirement and agree to remain in the civil service for two years after the sabbatical.

Performance Appraisal—SES is designed to hold executives accountable for their performance so that good performers can be rewarded and continuing poor performers can be removed. Your performance rating will take into account both individual performance and organizational accomplishment. Typical areas of consideration are productivity, quality of work, timeliness of performance, progress in meeting affirmative action goals, and development of subordinates. An agency performance appraisal system works in this way:

- Your performance goals are set individually in consultation with your supervisor.
- Your supervisor makes an annual written assessment of your success in meeting the goals.
- The assessmment then goes to an agency Performance Review Board, which must have a majority of career members when reviewing a career executive.
- You may present to the Board a written response to the supervisor's initial appraisal. The Board, at its discretion, may obtain other evidence of your performance.
- The Performance Review Board recommends to the appointing authority a performance rating and related matters such as performance awards.

Annual Rating—You are given an annual summary rating of your performance from the following rating levels:

- Fully successful (makes you eligible for a performance award). An agency may provide for more than one level of fully sucessful performance.
- Minimally satisfactory (may lead to removal from SES).
- Unsatisfactory (may lead to removal from SES).

Basic Pay—There are six SES basic pay rates set by the President. By law, the lowest rate equals the first step of GS-16, and the highest cannot exceed Executive Level IV. Your rate within these limits is set by the agency and may be changed only once a year. Pay may be increased any number of rates, but may be lowered only one rate per year. A reduction requires 15 days notice. A change in rate may be based on such things as performance, change in duties, or a move to a more expensive location. Changes are made at the agency's discretion. The President may increase the salary attached to each rate when comparability increases are authorized for the General Schedule.

Performance Awards—Career executives who receive a rating of fully successful or better may receive a lump sum bonus of up to 20 percent of basic salary. Only one such award a year is allowed. Awards are limited to 50 percent of an agency's SES positions.

Honorary Ranks and Stipends—A career executive whose performance is exceptional may receive from the President the rank of:

- Meritorious Executive: Up to five percent of executives Government-wide. Carries $10,000 lump-sum stipend.
- Distinguished Executive: Up to one percent of executives Government-wide. Carries $20,000 lump-sum stipend.

Removal of SES Members

	Career	Noncareer	Limited
From SES			
One Unsatisfactory Evaluation	Yes*	Yes	Yes
Two Unsatisfactory Evaluations in 5 Years	Yes*	Yes	Yes
Two Less than Fully Successful Evaluations in 3 Years	Yes*	Yes	Yes
During SES Probation	Yes*	N/A	N/A
RIF	Yes	Yes	Yes
At the Pleasure of the Agency Head	No	Yes	Yes
From Government			
During Probation After Federal Appointment	Yes	N/A	N/A
RIF	Yes	Yes	Yes
Misconduct	Yes**	Yes	Yes
At the Pleasure of the Agency Head	No	Yes	Yes

* Fallback and SES salary guaranteed

** Appeal right to MSPB

An executive may be awarded the same rank only once in five years.

Overall Compensation—The total amount a career executive can receive in one year from basic pay, performance award, and stipend may not exceed Executive Level I pay. Money received from an award or stipend is not included in computing retirement pay.

Leave—All SES members can accumulate annual leave without limit.

Removal from SES—Career executives can be removed from SES for a variety of reasons:

- For Poor Performance—After a single unsatisfactory rating, removal is optional. If not removed, the executive is in effect on renewed probation. Another unsatisfactory rating during the next four years, or a minimally satisfactory rating during the next two years, requires removal. After a minimally satisfactory rating, the executive is in effect on renewed probation for the next two years. A less than fully successful rating during that period will result in mandatory removal. If removed for poor performance, a career executive may request an informal public hearing before the MSPB, but the Board cannot stay or reverse the action. The executive is entitled to placement in a non-SES position at GS-15 or above with current SES pay, or may retire if he has 25 years of service or 20 years of service and is age 50 or older.
- For misconduct—Career executives dismissed for misconduct may appeal the action to the MSPB. (Chapter 8)
- During Reduction in Force—RIF will take place in SES only rarely, e.g., when an agency is required to reduce the total number of executives. Veterans preference doesn't apply. If removed by RIF, an executive is entitled to grade and pay savings as provided by OPM regulations. (Chapter 5)

Noncareer and limited executives serve at the pleasure of the appointing authority and may be removed at any time. They do not have an appeal right to the MSPB.

Questions and Answers

1. Q. How can I increase my chances of getting into SES?
   A. Your agency will conduct or participate in an intensive SES Candidate Development Program. Programs will vary somewhat from agency to agency because they will be focused on particular SES positions or groups of positions. In addition, your agency is responsible for providing a more comprehensive program of managerial development and training directed toward all of its managers. Talk to your supervisor and the executive development person in your agency to see what programs are available and how you should apply.

2. Q. What assurance is there that favoritism won't enter into determining who gets to enter formal programs aimed at developing employees for SES?
   A. Selection systems for executive development must follow merit principles and comply with the Uniform Guidelines on Employee Selection Procedures. OPM will periodically review agency programs to see that they meet all requirements, and OPM approval will be withdrawn if programs are not merit based.

3. Q. I've been a GS-14 manager for two years. Previously, I had extensive experience as a manager in private industry; and I believe I am fully qualified to be an SES manager. Will I have to serve a year at the GS-15 level to qualify for entry into SES?
   A. No. Selection for SES will depend not on whether or how long you have served at GS-15, but on whether you are qualified for managerial responsibilities at the SES level and have the technical qualifications for the particular position to which you are appointed. All experience, whether in or out of the Government, is considered in determining whether you have the necessary qualifications.

4. Q. One of our division chiefs has just been removed from SES because of poor performance. There are many problems in the division that need to be dealt with, or else there could be serious repercussions in a major

agency program. The best person for the job is a bureau director, but the division chief job is at a lower organizational level and prior to SES was a GS-16, whereas the bureau chief job used to be a GS-18. Is there anything we can do to place the bureau chief in the division job?

A. One of the main features of SES is its flexibility of assignments to meet agency needs. There are no grades, and "reduction in rank" is not an appealable action. It may happen, as in this case, that a position becomes particularly "hot" or critical for a time; and the agency needs to move a troubleshooter into it until the crisis is over. Under SES, you may assign any SES member to the job, if he or she meets the qualification requirements. It doesn't matter what current position the executive holds, or the former grades of the positions.

5. Q. I currently supervise two SES positions. Another position under me was created to deal with a new program just approved by Congress, and it clearly warrants SES designation. My agency has allocated all its current SES spaces, however. What can I do? If I am not able to get this position into SES, it will be very difficult to recruit the type of person needed to make the program successful.

A. There are two possibilities. First, if not all the SES positions in your agency are currently occupied, it may be possible under the "float system" to use the space of a vacant position. The "float system" allows allocated spaces to be traded around within an agency to meet the most pressing current needs. Second, it may be possible to secure an additional space from OPM. Although space allocations are made for two years to each agency, OPM can modify the allocation during that period. Talk to your personnel director.

6. Q. I have a key SES job to fill, but there is no one in this agency who has the necessary background. How can I find suitable candidates from elsewhere in the Government? Do I have to hold a competition for the job and

advertise it Government-wide?

A. OPM maintains an Executive Inventory of all SES members and all GS-15 employees who have had their managerial qualifications certified by an OPM Qualifications Review Board. It is possible to search the Inventory by computer to identify those individuals who appear most suited for the job. You can develop the screening criteria based on your needs, with help from your personnel office and OPM. After you have identified candidates from the computer search, you will be able to look at their Executive Inventory forms. These forms describe the various jobs the individuals held and additional information about them, such as awards. If you find someone who meets your needs and he or she is already an SES member, you can hire the individual directly without competition or any further review by OPM. If the individual has not previously been an SES member, you may select only after competitive action; but again OPM will not have to approve the selection.

   If no one in the Inventory meets your needs, or if you do not choose to search the Inventory, you may advertise the job Government-wide as well as seek candidates from outside the Government. But the appointment in this case may be made only after competitive action administered by your agency and approval of the candidate's managerial qualifications by an OPM Qualifications Review Board.

7. Q. The law provides that performance awards for career executives may not exceed 50 percent of the total number of SES positions in the agency. Yet all the executives I supervise are outstanding performers. What can I do to recognize their contributions?

   A. First, the 50 percent limitation is agency-wide. Your agency determines how to divide that figure internally. An agency might decide to apply the same limit to all units or might permit varying proportions from unit to unit. Second, you may be able to secure an honorary rank (Meritorious or Distinguished Executive) with its accompanying $10,000 or $20,000 stipend for one or more of your executives in lieu of a performance award.

Third, you may raise an executive's basic rate of pay in recognition of his or her performance. Pay can be adjusted once a year. And finally the incentive awards program may be used.

There, thus, seems to be ample opportunity to recognize good performance. You should be certain, however, that each executive receiving any one of these awards is indeed deserving, based on measured performance. You will be held personally responsible for making sure of this, and poor management judgment in this regard can affect your own compensation adversely.

16

Personnel Management Resources

***Chapter 16* Highlights**

What are the personnel management responsibilities of all managers and supervisors?

What resources are available to aid you?

What can you expect form your personnel office in the way of help?

As an agency manager or supervisor, you are responsible for Federal personnel management in the unit or units under your supervision. Responsibilities for recruiting, hiring, orienting, explaining benefits, counseling on performance, and taking removal, reassignment or other actions are all yours. To help you perform some of these and other personnel management tasks, certain specialized resources have been developed and made available to you. These include:

- The civil service law, rules, Executive orders, regulations and policies that apply to Federal personnel management and are found in the Federal Personnel Manual System.
- Agency regulations and policies which reflect the agency's implementation of Federal personnel policies.
- Agency personnel staffs who provide personnel management and personnel processing expertise in direct support of agency managers and supervisors.
- The OPM staff with its policy, program and operations specialists. OPM now has two organizational units whose primary role is to work with agency personnel staffs to help them solve their problems. These two units are: (1) The Agency Relations Group, with agency officers who serve as a direct pipeline to, or from, a group of agencies with common interests; and (2) the Workforce Effectiveness and Development Group, who emphasize productivity improvement and who have established a consultant service for agencies.

The primary function of these resources is to help you perform your job as manager or supervisor. These people and these tools are there to help you solve your personnel management problems.

The Federal Personnel Manual—The Federal Personnel Manual (FPM) contains OPM's official guidance to other Federal agencies on personnel management. The FPM consists of a basic manual and 22 supplements. The basic manual provides information on general policies and requirements of the many Federal personnel programs. Supplements give specialists the full and detailed information they need in areas they cover. The FPM system also includes:

- FPM letters—for continuing guidance and instructions for new policies on programs, and changes to existing ones, and

- FPM bulletins—temporary instructions, guidance, and the like, or requests for special reports.

Subject matter in the FPM is classified in nine major areas:
- 100 Series—Office of Personnel Management.
- 200 Series—General Provisions.
- 300 Series—Employment.
- 400 Series—Employee Performance.
- 500 Series—Position Classification, Pay, and Allowances.
- 600 Series—Attendance and Leave.
- 700 Series—Personnel Relations and Services.
- 800 Series—Insurance and Annuities.
- 900 Series—General Miscellaneous.

The system used for classifying subject matter was developed after long experimentation and consultation with interested agencies and groups. In the system, each chapter number is based on the chapter number covering the same subject in Title 5, United States Code. It is used consistently to identify the same subjects throughout the system whether in the basic manual, a regulation, an FPM Supplement, an FPM bulletin or an FPM letter. For example, the chapter on retirement in Title 5 is 83; thus, in the FPM, the Chapter on retirement is 831 and this number is used on all other documents dealing with retirement.

To assist the user in finding information in the FPM, mechanical aids are provided in the following FPM Chapters:
- Chapter 002—Table of Contents.
- Chapter 003—Index.
- Chapter 171—The FPM Issuance System.

An instruction in the FPM system states the official position of OPM as of the date published. The publication date is shown at the bottom of each page. Where there are questions about the status of a particular OPM policy, the local OPM Area Office should be able to inform you as to its validity. The published instruction supersedes any earlier instructions in conflict with it issued by OPM or any of its offices.

Qualifications Standards Handbooks X-118 and X-118C—These handbooks furnish current qualification standards for white collar positions (X-118) and trades and labor

positions (X-118C). The standards apply generally to both competitive and noncompetitive jobs. They contain current experience and training requirements for each grade, and are coded for the appropriate series. The handbooks explain how to determine the appropriate standard and how they should be used. They provide specific guidance and criteria for evaluating experience, crediting education, using performance and written tests, (Chapter 1) and for determining the physical requirements of all positions.

The handbooks are used to identify the level of skills, knowledges, and abilities needed for a particular job, and to check the standards against each job applicant's qualifications. Qualification Standards are tied to Position Classification Standards and define requirements in terms of differences in the level of responsibility and in the kind of work.

Qualification Standards differ from Position Classification Standards in that they look at the person in terms of the kinds of skills, knowledges and abilities needed to perform the work defined by the classification standards as characteristic of the occupation and grade level of the position. (Chapter 2)

Agency Personnel Policy Materials and Supplements—Agency personnel policies and programs are developed within the framework of the Federal personnel laws, Executive orders, rules and regulations. Yet this framework is flexible enough to permit each agency to develop policies and programs to meet its own needs.

The Civil Service Reform Act provides that the Director, OPM, may delegate functions to the heads of agencies. The purpose of this decentralization is to help managers to do their jobs better and to reduce delays in processing personnel actions. As of April 6, 1979, OPM delegated 31 authorities Government-wide and 24 other authorities via agency-by-agency written agreement. In turn, agencies have been asked to redelegate these authorities, whenever possible, to operating personnel offices and to line managers.

As a manager, you should be aware of what personnel authorities have been delegated and how they can help you carry out your personnel responsibilities. These responsibilities

include insuring that OPM regulations, guidelines and instructions are properly followed under blanket and agreement authorities. Minimum records for each action taken under delegated authority must be maintained and available for review by OPM and your agency's evaluators.

Look to the specific instructions of your own organization to understand the policy framework within which you must carry out your personnel responsibilities. Reading agency program policies and guidance material is one way to get this information. Another is to ask the personnel office for specific guidance. You may want to file your agency personnel material with this Handbook.

Arranging for Personnel Support Services—Personnel support services are provided in a number of ways; there is no ideal that fits all situations. You should know the basic rules of the arrangement that governs the provisions of personnel support services to your organization. You should also know what personnel management authority has been delegated to you and to the personnel officer.

Before the service period begins, have an analysis and planning session with your personnel officer to determine what your personnel service needs are likely to be. After projecting these needs, a tentative schedule of services should be agreed upon. Subject to changes in the basic assumptions, this schedule of personnel service should become the basis for your relationship with the personnel office for the agreed on period. The agreement should also provide for counseling and problem solving assistance such as:

- Classifying positions. (Chapter 2)
- Recruiting and hiring new employees. (Chapter 1)
- Processing promotions and other personnel actions. (Chapter 1)
- Arranging for or providing training. (Chapter 4)

He or she should also be expected to deal with you in terms of alternative approaches to solving your problems, identifying advantages/disadvantages; and stated in terms of cost analyses and cost savings:

- Create staffing plans to meet organizational goals.
- Use employee attitude surveys to identify causes of low productivity and morale. (Chapter 14)
- Be prepared to defend his or her reasoning when saying NO and provide alternative approaches for achieving the objective.
- Assure that communications links with employees are open, and that employees are informed about what is happening and why.

What the Personnel Office Can Do For You—The personnel office exists to advise you on how the laws, policies, rules, regulations and precedent decisions apply in specific circumstances—what actions you can or cannot take to accomplish a particular personnel management objective.

One view of the personnel office role is that it processes paperwork concerning personnel actions and keeps personnel records. Some managers think that's the full extent of the personnel office role. Smart managers, however, will make full use of the personnel staff's services and advice on all aspects of their personnel management responsibilities. They will make the personnel office a full partner in the enterprise. The personnel office can contribute to every phase of what you do in personnel management. They can, for example:

- Translate work estimates into estimates of the kind and number of employees needed.
- Determine if what's needed is available.
- Provide alternative strategies.
- Estimate turnover and tell you how to cope with it.
- Look at the distribution of work among employees in your unit and advise on alternative ways to divide the work and what effects these would have on the classification of positions and on productivity and labor costs. (Chapters 2 and 14)
- Develop recruiting sources for the kinds of people you will need, and line up a variety of candidates for consideration. (Chapter 1)
- Help you select good prospects in upward mobility programs and help to balance the work force in line with affirmative action goals. (Chapter 10)

- Where there is a problem of the right mix of skills and knowledges for your unit's work, help get people into the right training to learn what is needed to do the work. (Chapter 4)
- Find other jobs for surplus employees, or advise you and the employees on reduction-in-force procedures, if needed. (Chapter 1)
- Help devise combinations of positive incentives and, if necessary, discipline that should improve work attitudes and productivity. (Chapters 6 and 7)
- Where you're concerned with negotiations with unions, advise you on the terms of the agreement as they affect you. (Chapter 11)
- Help you to find the real cause of an employee's poor performance or disruptive behavior, and help estimate whether it's susceptible to short or long range improvement. Counsel the employee and advise you on what you and the employee can do to solve this problem. (Chapter 12)
- When an employee files a grievance, appeal, or discrimination complaint, advise on ways to resolve the complaint and on your and the employee's rights. (Chapter 8)

These and other services that go beyond day-to-day placement, classification, and record keeping should be available in agency personnel offices. To be most helpful to you, the personnel office has to be called in as early as possible in your deliberations. Some managers use the personnel office to ratify their decisions after-the-fact, and to do the paper work. If you're one of them, you're denying yourself the use of a resource that can (and should) carry a major part of your personnel management burden.

When the Personnel Office Says "No"—The message some managers got from civil service reform is that they no longer have to deal with the "nay sayers" from the personnel office; that they are free to do as they see fit in the hiring, promoting, training, and other people-related functions; and that the personnel officer who thwarts their efforts is an obstructionist. Managers should retain this feeling of independence, but they must also be aware that the freedom is coupled with account-

ability and that their responsibility includes following the personnel rules which are still very much a part of the system.

In the same way that the budget director has to tell managers who want to spend money that the money must be spent in a certain way, the personnel director is responsible for assuring that personnel activities are conducted within agency and OPM regulations and policies, and Government-wide law. These requirements sometimes force the personnel office to tell you not to do what you want to do in just the way you want to do it. For instance:

- A position may not be classified the way you wish because it doesn't measure up to the classification standard. (Chapter 2)
- A candidate you prefer for a vacant position may not meet the qualification standard for the job, or the time-in-grade requirement for promotion, or may not have the competititve status needed. (Chapter 1)
- A new person you want to hire from outside Government may be too far down on the list of eligible applicants to be within reach. (Chapter 1)
- You may be falling short of your affirmative action goals and may have to adjust your recruiting. (Chapters 1 and 10)
- Your favorite technique for selecting candidates may not be job-related. (Chapter 1)

In many such cases, further discussion may lead to alternative ways to reach your goal—a change of duties brings the preferred classification, training may strengthen an applicant's qualification, or the system may present you with other well-qualified candidates in place of the one you originally picked. These and other accommodations have to be made to assure that you do not appear to commit a prohibited personnel practice, and that all citizens have equal opportunity to compete for civil service jobs.

Questions and Answers

1. Q. How do I get a "handle" on employee benefits so that I know generally what they involve and who to call upon for help when needed?

A. The employee relations specialist in personnel is usually responsible for benefit programs. In other situations, a personnel generalist may be your liaison with the personnel office. Either one can provide you with a condensed list of benefit programs, and either personally provide further advice or contact the appropriate expert to advise you.

2. Q. I've called my personnel contact repeatedly about a new hire, and both she and her supervisor repeatedly tell me they are very busy and will get back to me. Meanwhile, the person I want has another offer. How do I get some action?

   A. The availability of personnel staff when you need them can be affected by many variables. A normal problem is too few staff to service many needs. In such a situation, it's best to involve the personnel staff at the earliest possible moment. Get a clear understanding of what is to be done for you, by whom, and when. If possible, consider time conflicts and propose alternatives if conflicts occur. Your organization is paying for the personnel services you're getting and they may not be worth the cost. If this is true and you have tried to use the services in a reasonable manner, it is time to complain to a higher level up the personnel supervisory line or elevate your complaint in your own supervisory line.

3. Q. I head a small unit in a remote geographic area; my personnel office is 150 miles away and I can't get service. What can I do?

   A. Your best bet is to obtain a delegation of authority which will permit you to take a number of actions at your location. In this way, you limit your dependence on the personnel office to the minimum. At the same time discuss your problem with your personnel officer, or his or your supervisor, and demand an improvement in the level and quality of personnel services you are getting.

PERSONNEL SUPPORT SERVICES

The listed personnel support services illustrate the kinds of services provided by personnel offices but is neither all-inclusive nor the only mode for providing such.

Areas of Assistance	Personnel Office Services
Position Management	• *Helps* plan organizational structures and *assess* potential effect on employees • *Suggests* ways to organize duties to provide career ladders and job enrichment
Classifying Jobs	• *Helps* write position descriptions • *Classifies* positions (title, series, and grade)
Recruiting and Placing	• *Announces* position vacancies and *identifies* candidates • *Helps* you meet EEO goals • *Screens* applicants for eligibility • *Establishes and coordinates* promotion panels • *Helps* new employees relocate
Labor-Management Relations	Contact between agency management and labor organizations recognized by the agency are made through the *management representative* who may be a member of the personnel office The *management representative:* • *Consults* and *confers* with employee organizations about per-

Areas of Assistance	Personnel Office Services
	sonnel policies, procedures, and working conditions • *Negotiates* agreements between agency management and employee organizations • *Prepares* related correspondence
Fitness For Duty Examinations (When performance or conduct shows a need to evaluate an employee's ability to work.)	• *Advises* you on the required procedures and on preparing necessary correspondence • *Coordinates* matters between the employee and the Medical Examiner
Grievances	• *Coordinates* actions to process a grievance • *Prepares* official correspondence • *Provides* support for resolving grievances, if needed
Appeals	• *Explains* requirements and options • *Coordinates* and *compiles* information for the examining office • *Prepares* official correspondence
Training and Education	• *Provides* resources information • *Sponsors* lectures, seminars, and courses within agency • *Reviews* requests for training
Awards	• *Furnishes* guidance in determining appropriate recognition • *Arranges* awards presentation ceremonies • *Helps* evaluate employee suggestions and determine monetary awards
Pay	• *Sets* pay rates based on

Areas of Assistance	Personnel Office Services
	regulations and agency policy. If discretion is possible, explains options and matters to consider • *Helps* prepare correspondence when a within-grade increase is denied or appealed
Personnel Records	• *Maintains* official personnel records for all employees • *Collects, analyzes,* and *reports* statistical data
Discipline	• *Helps* – To evaluate problems and identify courses of action – To prepare correspondence • *Provides* information about requirements, procedures, and employee's rights *If health problems* are involved, offers guidance to supervisors, and supportive counseling and referral services to employees
Technical Resources	• *Maintains* reference material, including: Federal Personnel Manual, Position Classification Standards, Qualification Standards, MSPB Appeal Decisions, Guidance Pamphlets and Brochures, agency and OPM Forms • *Researches* and *interprets* Federal rules, regulartions, policies, precedents, etc., relating to personnel administration Examples: – Leave entitlements – Retirement options

Areas of Assistance	Personnel Office Services
	– Duty hours – Creditable Federal service – Dual pay – Appointment eligibility
Career Counseling	• *Helps* – To assess skills, abilities, interests, and aptitudes – To define career goals and aid career planning • *Provides* job information • *Identifies* training and development alternatives
Employee Benefits	• *Explains* requirements, benefits, and procedures related to health and life insurance, leave, pay and retirement • *Distributes* forms and *assists* in their preparation • *Coordinates* claims • *Provides* retirement counseling
Death of an Employee	• *Helps* prepare message of condolences to the family • *Helps* you discuss financial matters with the employee's family • *Assists* family in filing claims for insurance, annuity, and other compensation • *Monitors* claims

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Chapter 4 · Training

The following publications can be obtained from your agency personnel training office or from the Training Information Clearinghouse, Office of Personnel Management, Washington, D.C.:

"Detecting Training Needs: A Guide for Supervisors and Managers"

"Managing Employee Development: A Step-by-Step Approach"

"The IDP Process: An Employee Guide for Individual Development Planning"

"Managerial and Supervisory Training Techniques and Methods"

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Winstanley, Nathan B., ed. *Current Readings in Performance Appraisal.* Lexington, Mass.: Xerox College Publishing, 1974.

Chapter 6 - Incentive Awards

The publications and training materials described here have been prepared by OPM to assist Federal agencies and others in strengthening their incentive awards program, and to acquaint employees, supervisors, and managers with the value of the program to the organization and its employees.

Fed Facts 1. General purpose pamphlet which represents the basics of the Federal Incentive Awards Program, commonly used for orientation of new employees. GPO stock number 006-000-00980-8, price $.35 per copy.

20/20. . .Frequently Asked Questions About the Incentive Awards Program. Conveniently sized 16-page question and an swer booklet that poses and replies to 20 questions frequently asked by supervisors on performance recognition, and 20 on suggestion awards. Useful for orientation and training. GPO stock number 006-000-00971-9, price $.60 per copy.

The Federal Incentive Awards Program - A Handbook and Guide. This 141-page handbook is the basic guide and

resource for all Federal personnel with incentive awards responsibilities, containing detailed guidance on all aspects of the program. GPO stock number 006-000-00960-3, price $2.60 per copy.

Plain Talk About Employee Incentives—A Manager's Guide to the Federal Incentive Awards Program. This publication is a concise and clearly written training guide and desk reference designed to provide mid- and senior-level managers with information on: (1) the effective use of incentives to increase organizational productivity; (2) the role of the manager in supporting the awards program; and (3) statutory and regulatory requirements for agency incentive awards programs. GPO stock number 006-000-01035-1, price $1.50 each.

Incentive Awards Notes. A bimonthly periodical, carries program guidance, news and updates, promotional aids, and other useful information of interest to those with awards program responsibilities. Contact the Administrative Officer of the nearest OPM Regional Office if you wish to be placed on the mailing list.

Chapter 7 — Performance and Conduct

Black, James Menzies. *Positive Discipline.* American Management Association, 1970.

Seidman, Joel. *A Guide to Discipline in the Public Sector.* Industrial Relations Center, University of Hawaii, 1977.

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Chapter 15 · Senior Executive Service/Executive Development

Executive Personnel Technical Assistance Papers published by the Office of Personnel Management and available from the Executive Personnel and Management Development Group, Washington, D.C.:

#1 Considerations in the Identification of Managerial Potential, August 1973.

#2 Suggestions for Individual Development Planning, October 1973.

#3 Decision Analysis Forecasting for Executive Manpower Planning, June 1974.

#4 Executive Personnel Planning Guidance, March 1977.

#5 Executive Effectiveness and Organizational Team Building, November 1977.

Glossary of Personnel Terms

(Many of these definitions were prepared especially for the Handbook. *For more definitive information about the terms included in the* Glossary, *refer to the appropriate* Handbook *Chapter or the FPM Chapter indicated.)*

A

Abandonment of Position—When an employee quits work without resigning. (715)

Absence Without Leave (AWOL)—Absence without prior approval, therefore without pay, that may be subject to disciplinary action. See also, *Leave Without Pay,* which is an approved absence. (630)

Administrative Workweek—A period of seven consecutive calendar days designated in advance by the head of the agency. Usually an administrative workweek coincides with a calendar week. (610)

Admonishment—Informal reproval of an employee by a supervisor; usually oral, but some agencies require written notice. (751)

Adverse Action—A removal, suspension, furlough without pay for 30 days or less, or reduction-in-grade or pay. An adverse action may be taken against an employee for disciplinary or nondisciplinary reasons. However, if the employee is covered by FPM part 752, the action must be in accordance with those procedures. Removals or reductions-in-grade based solely on unacceptable performance are covered by Part 432. Actions taken for reductions-in-force reasons are covered by Part 351. (752)

Affirmative Action—A policy followed closely by the Federal civil service that requires agencies to take positive steps to insure equal opportunity in employment, development, advancement, and treatment of all employees and applicants for employment regardless of race, color, sex, religion, national origin, or physical or mental handicap. Affirmative action also requires that specific actions be directed at the special problems and unique concerns in assuring equal employment opportunity for minorities, women and other disadvantaged groups.

Agreement—See *Collective Bargaining.*

Annuitant—A retired Federal civil service employee or a survivor (spouse or children) being paid an annuity from the Retirement Fund. (831)

Annuity—Payments to a former employee who retired, or to the surviving spouse or children. It is computed as an annual rate but paid monthly. (831)

Appeal—A request by an employee for review of an agency action by an outside agency. The right to such review is provided by law or regulation and may include an adversary-type hearing and a written decision in which a finding of facts is made and applicable law, Executive order and regulations are applied.

Appointing Officer—A person having power by law or lawfully delegated authority to make appointments. (210, 311)

Appointment, Noncompetitive—Employment without competing with others, in the sense that it is done without regard to civil service registers, etc. Includes reinstatements, transfers, reassignments, demotions, and promotion. (335)

Appointment, Superior Qualifications—Appointment of a candidate to a position in grade 11 or above of the General Schedule at a rate above the minimum because of the candidate's superior qualifications. A rate above the minimum for the grade must be justified by the applicant's unusually high or unique qualifications, a special need of the Government for the candidate's services, or because the candidate's current pay is higher than the minimum for the grade which he or she is offered. (338, 531)

Appointment, TAPER—Abbreviation for "temporary appointment pending establishment of a register." Employment made under an OPM authority granted to an agency when there are insufficient eligibles on a register appropriate to fill the position involved. (316)

Appointment, Temporary Limited—Nonpermanent appointment of an employee hired for a specified time of one year or less, or for seasonal or intermittent positions. (316)

Appointment, Term—Nonpermanent appointment of an employee hired to work on a project expected to last over one year, but less than four years. (316)

Appropriate Unit— A group of employees which a labor organization seeks to represent for the purpose of negotiating

agreements; an aggregation of employees which has a clear and identifiable community of interest and which promotes effective dealings and efficiency of operations. It may be established on a plant or installation, craft, functional or other basis. (Also known as bargaining unit, appropriate bargaining unit.) (711)

Arbitration—Final step of the negotiated grievance procedure which may be invoked by the agency or the union (not the employee) if the grievance has not been resolved. Involves use of an impartial arbitrator selected by the agency and union to render a binding award to resolve the grievance. (711)

Arbitrator—An impartial third party to whom disputing parties submit their differences for decision (award). An *ad hoc* arbitrator is one selected to act in a specific case or a limited group of cases. A permanent arbitrator is one selected to serve for the life of the agreement or a stipulated term, hearing all disputes that arise during this period. (711)

Area Office (OPM)—Forcal point for administering and implementing all OPM programs, except investigations, in the geographic area assigned. Provides personnel management advice and assistance to agencies, and personnel evaluation, recruiting and examining and special program leadership. Principal source of employment information for agencies and the public.

Audit, Work—Visit to an employee or his supervisor to verify or gather information about a position. Sometimes called "desk audit."

B

Bargaining Rights—Legally recognized right of the labor organization to represent employees in negotiations with employers. (711)

Bargaining Unit—An appropriate grouping of employees represented on an exclusive basis by a labor organization. "Appropriate" for this purpose means that it is a grouping of employees who share a community of interest and which promotes effective union and agency dealings and efficient agency operations. (711)

Basic Workweek—For a full-time employee, the 40-hour nonovertime work schedule within an administrative workweek. The usual workweek consists of five 8-hour days, Monday through Friday. (610)

Break in Service—The time between separation and reemployment that may cause a loss of rights or privileges. For transfer purposes, it means not being on an agency payroll for one working day or more. For the three-year career conditional period or for reinstatement purposes, it means not being on an agency payroll for over 30 calendar days. (315)

Bumping—During reduction-in-force, the displacement of one employee by another employee in a higher group or subgroup. (351)

C

Career—Tenure of a permanent employee in the competitive service who has completed three years of substantially continuous creditable Federal service. (315)

Career-Conditional—Tenure of a permanent employee in the competitive service who *has not* completed three years of substantially continuous creditable Federal service. (315)

Career Counseling—Service available to employees to assist them in: (1) assessing their skills, abilities, interests, and aptitudes; (2) determining qualifications required for occupations within the career system and how the requirements relate to their individual capabilities; (3) defining their career goals and developing plans for reaching the goals; (4) indentifying and assessing education and training opportunities and enrollment procedures; (5) identifying factors which may impair career development; and (6) learning about resources, inside or outside the agency, where additional help is available. (250)

Career Development—Systematic development designed to increase an employee's potential for advancement and career change. It may include classroom training, reading, work experience, etc. (410)

Career Ladder—A career ladder is a series of developmental positions of increasing difficulty in the same line of work,

through which an employee may progress to a journeyman level on his or her personal development and performance in that series.

Career Reserved Position—A position within SES that has a specific requirement for impartiality. May be filled only by career appointment. (920)

Ceiling, Personnel—The maximum number of employees authorized at a given time. (312)

Certificate—A list of eligibles ranked, according to regulations, for appointment or promotion consideration. A more useful term is "candidate list." (332, 335)

Certification—The process by which eligibles are ranked, according to regulations, for appointment or promotion consideration. (332, 335)

Certification, Selective—Certifying only the names of eligibles who have special qualifications required to fill particular vacant positions. (332)

Certification, Top of the Register—Certifying in regular order, beginning with the eligibles at the top of the register. (332)

Change in Duty Station—A personnel action that changes an employee from one geographical location to another in the same agency. (296)

Change to Lower Grade—Downgrading a position or reducing an employee's grade. See Demotion. (296)

Class of Positions—All positions sufficiently similar in: (1) kind or subject matter of work; (2) level of difficulty and responsibility; and (3) qualification requirements, so as to warrant similar treatment in personnel and pay administration. For example, all Grade GS-3 Clerk-Typist positions. (511)

Classified Service—See *Competitive Service* (212)

Collective Bargaining—Performance of the mutual obligation of the employer and the exclusive (employee) representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to conditions of employment, except that by any such obligation

neither party shall be compelled to agree to proposals, or be required to make concessions. (Also known as collective negotiations, negotiations, and negotiation of agreement.) (711)

Collective Bargaining Agreement—A written agreement between management and a labor organization which is usually for a definite term, and usually defines conditions of employment, and includes grievance and arbitration procedures. The terms "collective bargaining agreement" and "contract" are synonymous. (711)

Collective Bargaining Unit—A group of employees recognized as appropriate for representation by a labor organization for collective bargaining. (See *Appropriate Unit*) (711)

Compensatory Time Off—Time off (hour-for-hour) granted an employee in lieu of overtime pay. (550)

Competitive Area—For reduction-in-force, that part of an agency within which employees are in competition for retention. Generally, it is that part of an agency covered by a single appointing office. (351)

Competitive Service—Federal positions normally filled through open competitive examination (hence the term "competitive service") under civil service rules and regulations. About 86 percent of all Federal positions are in the competitive service. (212)

Competitive Status—Basic eligibility of a person to be selected to fill a position in the competitive service without open competitive examination. Competitive status may be acquired by career-conditional or career appointment through open competitive examination, or may be granted by statute, executive order, or civil service rules without competitive examination. A person with competitive status may be promoted, transferred, reassigned, reinstated, or demoted subject to the conditions prescribed by civil service rules and regulations. (212)

Consultant—An advisor to an officer or instrumentality of the Government, as distinguished from an officer or employee who carries out the agency's duties and responsibilities. (304)

Consultation—The obligation of an agency to consult the labor

organization on particular personnel issues. The process of consultation lies between notification to the labor organization, which may amount simply to providing information, and negotiation, which implies agreement on the part of the labor organization. (711)

Conversion—The process of changing a person's tenure from one type of appointment to another (e.g., conversion from temporary to career-conditional). (315)

D

Demotion—A change of an employee, while serving continuously with the same agency:
(a) To a lower grade when both the old and the new positions are in the General Schedule or under the same type graded wage schedule; or
(b) To a position with a lower rate of pay when both the old and the new positions are under the same type ungraded wage schedule, or are in different pay method categories. (335, 752)

Detail—A temporary assignment of an employee to different duties or to a different position for a specified time, with the employee returning to his/her regular duties at the end of the detail. (300)

Differentials—Recruiting incentives in the form of compensation adjustments justified by: (1) extraordinarily difficult living conditions; (2) excessive physical hardship; or (3) notably unhealthful conditions. (591)

Disciplinary Action—Action taken to correct the conduct of an employee; may range from an admonishment through reprimand, suspension, reduction in grade or pay, to removal from the service. (751, 752)

Displaced Employee Program—(DEP)—A system to help find jobs for career and career-conditional employees displaced either through reduction-in-force or by an inability to accept assignment to another commuting area. (330)

Downgrading—Change of a position to a lower grade. (511, 532)

Dual Compensation—When an employee receives compensation for more than one Federal position if he/she worked more than 40 hours during the week. The term is also used in connection with compensation from a full-time Federal position as well as a retirement annuity for prior military service. (550)

Duty Station—The specific geographical area in which an employee is permanently assigned. (296)

E

Eligible—Any applicant for appointment or promotion who meets the minimum qualification requirements. (337)

Employee Development—A term which may include *career development* and *upward mobility*. It may be oriented toward development for better performance on an employee's current job, for learning a new policy or procedure, or for enchancing an employee's potential for advancement. (410, 412)

Employee, Exempt—An employee exempt from the overtime provisions of the Fair Labor Standards Act. (551)

Employee, Nonexempt—An employee subject to the overtime provision of the Fair Labor Standards Act. (551)

Employee Organization —See *Labor Organization.*

Employee Relations—The personnel function which centers upon the relationship between the supervisor and individual employees. (711)

Entrance Level Position—A position in an occupation at the beginning level grade. (511)

Environmental Differential—Additional pay authorized for a duty involving unusally severe hazards or working conditions. (532, 550)

Equal Employment Opportunity—Federal policy to provide equal employment opportunity for all; to prohibit discrimination on the grounds of age, race, color, religion, sex, national origin, or physical or mental handicap; and to promote the full realization of employees' potential through a continuing affirma-

tive action program in each executive department and agency. (713)

Equal Employment Opportunity Commission—Regulates and enforces the Federal program for insuring equal employment opportunity, and oversees the development and implementation of Federal agencies' affirmative action programs.

Equal Pay for Substantially Equal Work—An underlying principle that provides the same pay level for work at the same level of difficulty and responsibility. (271)

Examination—A means of measuring, in a practical and suitable manner, qualifications of applicants for employment in specific positions. (337)

Examination, Assembled—An examination which includes as one of its parts a written or performance test for which applicants are required to assemble at appointed times and places. (337)

Examination, Fitness-For-Duty—An agency directed examination given by a Federal medical officer or an employee-designated, agency-approved physician to determine the employee's physical, mental, or emotional ability to perform assigned duties safely and efficiently. (339, 831)

Examination, Unassembled—An examination in which applicants are rated on their education, experience, and other qualifications as shown in the formal application and any supportive evidence that may be required, without assembling for a written or performance test. (337)

Excepted Service—Positions in the Federal civil service not subject to the appointment requirements of the competitive service. Exceptions to the normal, competitive requirements are authorized by law, executive order, or regulation. (213, 302)

Exclusive Recognition—The status conferred on a labor organization which receives a majority of votes cast in a representation election, entitling it to act for and negotiate agreements covering all employees included in an appropriate bargaining unit. The labor organization enjoying this status is known as the exclusive representative, exclusive bargaining

representative, bargaining agent, or exclusive bargaining agent. (711)

Executive Inventory—An OPM computerized file which contains background information on all members of the Senior Executive Service and persons in positions at GS-16 through GS-18 or the equivalent, and individuals at lower grades who have been certified as meeting the managerial criteria for SES. It is used as an aid to agencies in executive recruiting and as a planning and management tool. (920)

Executive Resources Board—Panel of top agency executives responsible under the law for conducting the merit staffing process for career appointment to Senior Executive Service (SES) positions in the agency. Most Boards are also responsible for setting policy on and overseeing such areas as SES position planning and executive development. (920)

F

Federal Labor Relations Authority (FLRA)—Administers the Federal service labor-management relations program. It resolves questions of union representation of employees; prosecutes and adjudicates allegations of unfair labor practices; decides questions of what is or is not negotiable; and on appeal, reviews decisions of arbitrators. (5 USC 7104)

Federal Personnel Manual (FPM)—The official publication containing Federal personnel regulations and guidance. Also contains the code of Federal civil service law, selected Executive orders pertaining to Federal employment, and civil service rules. (171)

Federal Service Impasses Panel (FSIP)—Administrative body created to resolve bargaining impasses in the Federal service. The Panel may recommend procedures, including arbitration, for settling impasses, or may settle the impasse itself. Considered the legal alternative to strike in the Federal sector. (711)

Federal Wage System (FWS)—A body of laws and regulations governing the administrative processes related to trades and laboring occupations in the Federal service. (532)

Full Field Investigation—Personal investigation of an applicant's background to determine whether he/she meets fitness standards for a critical-sensitive Federal position. (736)

Function—All, or a clearly identifiable segment, of an agency's mission, including all the parts of that mission, (e.g., procurement), regardless of how performed. (351)

G

General Position—A position within the Senior Executive Service that may be filled by a career, noncareer, or limited appointment. (920)

General Schedule—(GS)—The graded pay system as presented by Chapter 51 of Title 5, United States Code, for classifying positions. (511)

Grade—All classes of positions which, although different with respect to kind or subject matter of work, are sufficiently equivalent as to (1) level of difficulty and responsibility, and (2) level of qualification requirements of the work to warrant the inclusion of such classes of positions within one range of rates of basic compensation. (511, 532)

Grade Retention—The right of a General Schedule or prevailing rate employee, when demoted for certain reasons, to retain the higher grade for most purposes for two years. (536)

Grievance, (Negotiated Procedure)—Any complaint or expressed dissatisfaction by an employee against an action by management in connection with his job, pay or other aspects of employment. Whether such complaint or expressed dissatisfaction is formally recognized and handled as a "grievance" under a negotiated procedure depends on the scope of that procedure. (711)

Grievance (Under Agency Administrative Procedure)—A request by an employee or by a group of employees acting as individuals, for personal relief in a matter of concern or dissatisfaction to the employee, subject to the control of agency management.

Grievance Procedure—A procedure, either administrative or

negotiated, by which employees may seek redress of any matter subject to the control of agency management. (711, 771)

H

Handbook X-118—The official qualification standards manual for General Schedule Positions. (338)

Handbook X-118C—The official qualification standards manual for Wage System positions. (338)

Hearing—The opportunity for contending parties under a grievance, complaint, or other remedial process, to introduce testimony and evidence and to confront and examine or cross examine witnesses. (713, 771, 772)

I

Impasse Procedures—Procedures for resolving deadlocks between agencies and union in collective bargaining. (711)

Incentive Awards—An all-inclusive term covering awards granted under Part 451 or OPM regulations. Includes an award for a suggestion submitted by an employee and adopted by management; a special achievement award for performance exeeding job requirements, or an honorary award in the form of a certificate, emblem, pin or other item. (451)

Indefinite—Tenure of a nonpermanent employee hired for an unlimited time. (316)

Injury, Work Related—For compensation under the Federal Employees' Compensation Act, a personal injury sustained while in the performance of duty. The term "injury" includes diseases proximately caused by the employment. (810)

Injury, Traumatic—Under the Federal Employees' Compensation Act, for continuation of pay purposes, a wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable by time and place of occurrence and member or function of the body affected, and be caused by a specific event or incident or series of events or incidents within a single day or work shift. (810)

Intergovernmental Personnel Assignment—Assignments of personnel to and from the Executive Branch of the Federal Government, state and local government agencies, and institutions of higher education up to two years, although a two-year extension may be permitted. The purpose is to provide technical assistance or expertise where needed for short periods of time. (334)

Intermittent—Less than full-time employment requiring irregular work hours which cannot be prescheduled. (610)

J

Job Analysis—Technical review and evaluation of a position's duties, responsibilities, and level of work and of the skills, abilities, and knowledge needed to do the work. (511, 532)

Job Enrichment—Carefully planned work assignments and/or training to use and upgrade employee skills, abilities, and interests; and to provide opportunity for growth, and encourage self-improvement. (312)

Job Freeze—A restriction on hiring and/or promotion by administrative or legislative action. (330)

Job Title—The formal name of a position as determined by official classification standards. (511, 532)

Journeyman Level—(Full Performance Level)—The lowest level of a career ladder position at which an employee has learned the full range of duties in a specific occupation. All jobs below full performance level are developmental levels, through which each employee in the occupation may progress to full performance. (511)

L

Labor-Management Relations—Relationships and dealings between employee unions and management. (711)

Labor Organization—An organization composed in whole or in part of employees, in which employees participate and pay

dues, and which has as a purpose dealing with an agency concerning grievances and working conditions of employment. (711)

Lead Agency—Under the Federal Wage System, the Federal agency with the largest number of Federal wage workers in a geographical area; consequently, it has the primary role for determining wage rates for all Federal employees who work in that area and are covered by the System. (532)

Leave, Annual—Time allowed to employees for vacation and other absences for personal reasons. (630)

Leave, Court—Time allowed to employees for jury and certain types of witness service. (630)

Leave, Military—Time allowed to employees for certain types of military service. (630)

Leave, Sick—Time allowed to employees for physical incapacity, to prevent the spread of contagious diseases, or to obtain medical, dental or eye examination or treatment. (630)

Leave Without Pay (LWOP)—A temporary nonpay status and absence from duty, requested by an employee. The permissive nature of "leave without pay" distinguishes it from "absence without leave." (630)

Level of Difficulty—A classification term used to indicate the relative ranking of duties and responsibilities. (511, 532)

M

Maintenance Review—A formal, periodic review (usually annual) of all positions in an organization, or portion of an organization, to insure that classifications are correct and position descriptions are current. (511)

Major Duty—Any duty or responsibility, or group of closely related tasks, of a position which (1) determines qualification requirements for the position, (2) occupies a

significant amount of the employee's time, and (3) is a regular or recurring duty. (511)

Management Official—An individual employed by an agency in a position whose duties and responsibilities require or authorize the individual to formulate, determine or influence the policies of the agency. (711)

Management Rights—The right of management to make day-to-day personnel decisions and to direct the work force without mandatory negotiation with the exclusive representative. (See "Reserved Rights Doctrine.") Usually a specific list of management authorities not subject to the obligation to bargain. (117)

Mediation—Procedure using a third-party to facilitate the reaching of an agreement voluntarily. (711)

Merit Promotion Program—The system under which agencies consider an employee for internal personnel actions on the basis of personal merit. (335)

Merit Systems Protection Board (MSPB)—An independent agency which monitors the administration of the Federal civil service system, prosecutes and adjudicates allegations of merit principle abuses, and hears and decides other civil service appeals. (5 USC 1205)

N

National Agency Check and Inquiry (NACI)—The Investigation of applicants for nonsensitive Federal positions by means of a name check through national investigative files and voucher inquiries. (731)

National Consultation Rights—A relationship established between the headquarters of a Federal agency and the national office of a union under criteria of the Federal Labor Relations Authority. When a union holds national consultation rights, the agency must give the union notice of proposed new substantive personnel policies, and of proposed changes in personnel policies, and an opportunity to comment on such proposals. The union has a right to: (1) suggest changes in personnel policies and have those

suggestions carefully considered; (2) consult at reasonable times with appropriate officials about personnel policy matters; and (3) submit its views in writing on personnel policy matters at any time. The agency must provide the union with a written statement (which need not be detailed) of reasons for taking its final action on a policy. (711)

Negotiability—A determination as to whether a matter is within the obligation to bargain. (711)

Negotiated Grievance Procedure—A procedure applicable to members of a bargaining unit for considering grievances. Coverage and scope are negotiated by the parties to the agreement, except that the procedures may not cover certain matters designated in Title VII of the CSRA as excluded from the scope of negotiated grievance procedures. (711)

Negotiations—The bargaining process used to reach a settlement between labor and management over conditions of employment. (711)

Nominating Officer—A subordinate officer of an agency to whom authority has been delegated by the head of the agency to nominate for appointment but not actually appoint employees. (311)

O

Objection—A written statement by an agency of the reasons why it believes an eligible whose name is on a certificate is not qualified for the position to which referred. If the Examining Office sustains the objection, the agency may eliminate the person from consideration. (332)

Occupational Group—Positions of differing kinds but within the same field of work. For example, the GS-500 Accounting and Budget Occupational Group includes: General Accounting Clerical and Administrative Series; Financial Management; Internal Revenue Agent Accounting Technician; Payroll; etc. (511, 532)

Office of Personnel Management (OPM)—Regulates, adminis-

ters, and evaluates the civil service program according to merit principles. (5 USC 1103)

Office of Workers Compensation Programs (OWCP)—In the Department of Labor, administers statutes that allow compensation to employees and their survivors for work-related injuries and illnesses. Decides and pays claims. (810)

Official Personnel Folder (OPF)—The official repository of employment records and documents affecting personnel actions during an employee's Federal civilian service. (293)

Overtime Work—Under Title 5, U.S. Code, officially ordered or approved work performed in excess of eight hours in a day or 40 hours in a week. Under the Fair Labor Standards Act, work in excess of 40 hours in a week by a nonexempt employee. (550, 551)

P

Pass Over—Elimination from appointment consideration of a veteran preference eligible on a certificate (candidate list), to appoint a lower ranking nonveteran, when the agency submits reasons which OPM finds sufficient. (332)

Pay Retention—The right of a General Schedule or prevailing rate employee (following a grade retention period or at other specified times when the rate of basic pay would otherwise be reduced) to continue to receive the higher rate. Pay is retained indefinitely. (536)

Pay, Severance—Money paid to employees separated by reduction-in-force and not eligible for retirement. The following formula is used, but the amount cannot be more than one year's pay:

Basic Severance Pay—One week's pay for each year of civilian service up to 10 years, and two weeks' pay for each year served over 10 years, plus

Age Adjustment Allowance—10 percent of the basic severance pay for each year over age 40. (550)

Performance Appraisal—The comparison, under a performance appraisal system, of an employee's actual performance against

the performance standards previously established for the position. (430)

Personnel Action—The process necessary to appoint, separate, reinstate, or make other changes affecting an employee (e.g., change in position assignment, tenure, etc.). (296)

Personnel Management—Management of human resources to accomplish a mission and provide individual job satisfaction. It is the line responsibility of the operating supervisor and the staff responsibility of the personnel office. (250)

Position—A specific job consisting of all the current major duties and responsibilities assigned or delegated by management. (312)

Position Change—A promotion, demotion, or reassignment. (335)

Position Classification—Analyzing and categorizing jobs by occupational group, series, class, and grade according to like duties, responsibilities, and qualification requirements. (511, 532)

Position Classifier—A specialist in job analysis who determines the titles, occupational groups, series, and grades of positions. (312)

Position Description—An official written statement of the major duties, responsibilities and supervisory relationships of a position. (312)

Position Management—The process of designing positions to combine logical and consistent duties and responsibilities into an orderly, efficient, and productive organization to accomplish agency mission. (312)

Position Survey—Agency review of positions to determine whether the positions are still needed and, if so, whether the classification and position description are correct. (312)

Position, "PL 313 Type"—Positions established under Public Law 80-313 of August 1, 1947, or similar authorities. A small group of high level professional and scientific positions generally in the competitive service, but not filled through com-

petitive examinations. Salaries are set between GS-12 and GS-18. (534)

Preference, Compensable Disability ("CP")—Ten-point preference awarded to a veteran separated under honorable conditions from active duty, who receives compensation of 10 percent or more for a service-connected disability. Eligible "CP" veterans are placed at the top of civil service lists of eligibles for positions at GS-9 or higher. (211)

Preference, 30 Percent or More, Disabled ("CPS")—A disabled veteran whose disability is rated at 30 percent or more, entitled to special preference in appointment and during reduction in force.

Preference, Disability ("XP")—Ten-point preference in hiring for a veteran separated under honorable conditions from active duty and who has a service-connected disability or receives compensation, pension, or disability retirement from the VA or a uniformed service. (211)

Preference, Mother ("XP")—Ten-point preference to which the mother of a deceased or disabled military veteran may be entitled. (211)

Preference, Spouse ("XP")—Ten-point preference to which a disabled military veteran's spouse may be entitled. (211)

Preference, Tentative ("TP")—Five-point veteran preference tentatively awarded an eligible who served on active duty during specified periods and was separated from military service under honorable conditions. It must be verified by the appointing officer. (211)

Preference, Veteran—The statutory right to special advantage in appointments or separations; based on a person's discharge under honorable conditions from the armed forces, for a service-connected disability. *Not* applicable to the Senior Executive Service. (211)

Preference, Widow or Widower ("XP")—Ten-point preference to which a military veteran's widow or widower may be entitled. (211)

Premium Pay—Additional pay for overtime, night, Sunday and holiday work. (550)

Prevailing Rate System—A subsystem of the Federal Wage System used to determine the employee's pay in a particular wage area. The determination requires comparing the rate of pay with the private sector for similar duties and responsibilities. (532)

Probationary Period—A trial period which is a condition of the initial competitive appointment. Provides the final indispensable test of ability, that of actual performance on the job. (315)

Promotion—A change of an employee to a higher grade when both the old and new positions are under the same job classification system and pay schedule, or to a position with higher pay in a different job classification system and pay schedule. (335)

Promotion, Career—Promotion of an employee without current competition when: (1) he/she had earlier been competitively selected from a register or under competitive promotion procedures for an assignment intended as a matter of record to be preparation for the position being filled; or (2) the position is reconstituted at a higher grade because of additional duties and responsibilities. (335)

Promotion, Competitive—Selection of a current or former Federal civil service employee for a higher grade position, using procedures that compare the candidates on merit. (335)

Promotion Certificate—A list of best qualified candidates to be considered to fill a position under competitive promotion procedures. (335)

Q

Qualifications Review Board—A panel attached to OPM that determines whether a candidate for career appointment in the Senior Executive Service meets the managerial criteria established by law.

Qualification Requirements—Education, experience, and other prerequisites to employment or placement in a position. (338)

Quality Graduate—College graduate who was a superior student and can be hired at a higher grade than the one to which he/she would otherwise be entitled. (338)

Quality Increase—An additional within-grade increase granted to General Schedule employees for high quality performance above that ordinarily found in the type of position concerned (531).

R

Reassignment—The change of an employee, while serving continuously within the same agency, from one position to another, without promotion or demotion. (210)

Recognition—Employer acceptance of a labor organization as authorized to negotiate, usually for all members of a bargaining unit. (711) Also, used to refer to incentive awards granted under provisions of Parts 451 and 541 of OPM Regulations, and Quality Increases granted under Part 531.

Recruitment—Process of attracting a supply of qualified eligibles for employment consideration. (332)

Reduction-in-Force (RIF)—A personnel action that may be required due to lack of work or funds, changes resulting from reorganization, downward reclassification of a position, or the need to make room for an employee with reemployment or restoration rights. Involves separating an employee from his/her present position, but does not necessarily result in separation or downgrading. (351) (See also *Tenure Groups.*)

Reemployment Priority List—Career and career-conditional employees, separated by reduction-in-force, who are identified, in priority order, for reemployment to competitive positions in the agency in the commuting area where the separations occurred. (330)

Reemployment Rights—Right of an employee to return to an agency after detail, transfer, or appointment to: (1) another Executive agency during an emergency; (2) an internation organi-

ization; or (3) other statutorily covered employment, e.g., the Peace Corps. (352)

Register—A list of eligible applicants compiled in the order of their relative standing for referral to Federal jobs, after competitive civil service examination. (332,210)

Reinstatement—Noncompetitive reemployment in the competitive service based on previous service under a career or career-conditional appointment. (315)

Removal—Separation of an employee for cause or because of continual unacceptable performance. (432, 752)

Representation—Actions and rights of the labor organization to consult and negotiate with management on behalf of the bargaining unit and represent employees in the unit. (711)

Representation Election—Election conducted to determine whether the employees in an appropriate unit (See *Bargaining Unit*) desire a labor organization to act as their exclusive representative. (711)

Reprimand—An official rebuke of an employee. Normally in writing and placed in the temporary side of an employee's OPF-(751)

"Reserved Rights Doctrine"—Specific functions delegated to management by Title VII of CSRA that protect management's ability to perform its necessary functions and duties. (See Management Rights.) Delegates to management specific functions not subject to negotiation except as to procedures and impact. (711)

Resignation—A separation, prior to retirement, in response to an employee's request for the action. It is a voluntary expression of the employee's desire to leave the organization and must not be demanded as an alternative to some other action to be taken or withheld. (715)

Restoration Rights—Employees who enter military service or sustain a compensable job-related injury or disability are entitled to be restored to the same or higher employment status held prior to their absence. (353)

Retention Preference—The relative standing of employees competing in a reduction-in-force. Their standing is determined by veterans preference, tenure group, length of service, and performance appraisal. (351)

Retention Register—A list of all employees, arranged by competitive level, describing their retention preference during reductions-in-force. (351)

Retirement—Payment of an annuity after separation from a position under the Civil Service Retirement System and based on meeting age and length of service requirements. The types of retirement are:

Deferred—An employee with five years civilian service who separates or transfers to a position not under the Retirement Act, may receive an annuity at age 62, if he/she does not withdraw from the Retirement Fund. (831)

Disability—An immediate annuity paid to an employee under the retirement system who has completed five years of civilian service and has suffered a mental, emotional, or physical disability not the result of the employee's vicious habits, intemperance, or willful misconduct. (831)

Discontinued Service—An immediate annuity paid to an employee who is involuntarily separated, through no personal fault of the employee, after age 50 and 20 years of service, or at any age with 25 years of service. This annuity is reduced by 1/6 of one percent for each full month under age 55 (two percent per year). (831)

Optional—The minimum combinations of age and service for this kind of immediate annuity are: age 62 with five years of service; age 60 with 20 years of service; age 55 with 30 years of service. (831)

Review, Classification—An official written request for reclassification of a position. Previously called a classification appeal.

S

Schedules A, B, and C—Categories of positions excepted from the competitive service by regulation. (213)

Schedule A—Positions other than confidential or policy

determining, for which it is not practical to examine.
Schedule B—Positions other than confidential or policy determining for which it is not practical to hold a competitive examination.
Schedule C—Positions of a confidential or policy determining character.

Senior Executive Service—A separate personnel system for persons who set policy and administer programs at the top levels of the Government (equivalent to GS-16 through Executive Level IV). (920)

Service Computation Date-Leave—The date, either actual or adjusted, from which service credit is accumulated for determining the rate of leave accrual; it may be different from the service computation date, which determines relative standing in a subgroup for reduction-in-force, or service computation date for retirement. (296)

Service Record Card (Standard Form 7)—A brief of the employee's service history. It is kept on file in accordance with agency disposition instructions. (295)

Special Salary Rates—Salary rates higher than regular statutory schedule; established for occupations in which private enterprise pays substantially more than the regular Federal Schedule. (530)

Spoils System—The personnel system characterized by the political appointment and removal of employees without regard to merit. (212)

Staffing—Use of available and projected personnel through recruitment, appointment, reassignment, promotion, reduction-in-force, etc., to provide the work force required to fulfill the agency's mission. (250)

Standard Form 171 ("Personal Qualification Statement")—Used in applying for a Federal position through a competitive examination. (295)

Standards of Conduct For Labor Organization—In the Federal sector, a code governing internal democratic practices and fiscal responsibility, and procedures to which a labor organization must adhere to be eligible to receive any recognition. (711)

Steward (Union Steward)—A local union's representative in a plant or department, appointed by the union to carry out union duties, adjust grievances, collect dues and solicit new members. Stewards are employees trained by the union to carry out their duties.

Strike—Temporary stoppage of work by a group of employees to express a grievance, enforce a demand for changes in conditions of employment, obtain recognition, or resolve a dispute with management. *Wildcat strike*—a strike not sanctioned by union and which may violate a collective agreement. *Quickie strike*—a spontaneous or unannounced strike of short duration. *Slowdown*—a deliberate reduction of output without an actual strike in order to force concessions from an employer. *Walkout*—same as strike. Strikes are illegal for Federal employees. (711)

Suitability—An applicant's or employee's fitness for Federal employment as indicated by character and conduct. (731)

Supervisor—An individual employed by an agency having authority, in the interest of the agency, to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline or remove employees, to adjust their grievances, or to effectively recommend such action—if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgement. With respect to any unit which includes firefighters or nurses, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising such authority. (711).

Survey, Classification—An intensive study of all positions in an organization or organizational segment to insure their correct classification.

Suspension—Placing an employee, for disciplinary reasons, in a temporary status without duties and pay. (751, 752)

T

Tenure—The time an employee may reasonably expect to serve under a current appointment. It is governed by the type of ap-

pointment, without regard to whether the employee has competitive status. (210)

Tenure Groups—Categories of employees ranked in priority order for retention during reduction-in-force. Within each group, veterans are ranked above nonveterans. For the competitive service, the tenure groups are, in descending order:

Group I—Employees under career appointments and not serving probation.

Group II—Employees serving probation, career-conditional employees, and career employees in obligated positions.

Group III—Employees with indefinite appointments, status quo employees under any other nonstatus, nontemporary appointment. (351)

For the *excepted service,* they are in descending order:

Group 1—Permanent employees, not serving a trial period, whose appointments carry no restriction or condition, such as "indefinite" or "time-limited".

Group II—Employees serving trial periods, those whose tenure is indefinite because they occupy obligated positions, and those whose tenure is equivalent to career-conditional in the competitive service.

Group III—Employees whose tenure is indefinite, but not potentially permanent, and temporary employees who have completed one year of current continuous employment. (351)

Tenure Subgroups—The ranking of veterans above nonveterans in each tenure group, as follows:

Subgroup AD—Veterans with service-connected disability of 30% or more.

Subgroup A—All other veterans

Subgroup B—Nonveterans

Time-in-Grade Restriction—A requirement intended to prevent excessively rapid promotions in the General Schedule. Generally, an employee may not be promoted more than two grades within one year to positions up to GS-5. At GS-5 and above, an employee must serve a minimum of one year in grade, and cannot be promoted more than one grade, or two grades if that is the normal progression. (300)

Tour of Duty—The hours of a day (a daily tour of duty) and the day of an administrative workweek (weekly tour of duty) scheduled in advance and during which an employee is required to work regularly. (610)

Training—Formal instruction or controlled and planned exposure to learning. (410)

Transfer—A change of an employee, without a break in service of one full workday, from a position in one agency to a position in another agency. (315)

Transfer of Function—For reduction-in-force, the transfer of a continuing function from one agency or competitive area to another, or when the competitive area in which work is performed is moved to another commuting area. (315)

U

Unemployment Compensation—Income maintenance payments to former Federal employees who: (1) are unemployed; (2) file a claim at a local employment office for unemployment compensation; and (3) register for work assignment. The program is administered through state and D.C. employment service offices, which determine eligibility and make the payments. (850)

Unfair Labor Practices—Prohibited actions by agency management and labor organizations. (711)

Union—See *Labor Organization.*

Upward Mobility—Systematic career development requiring competitive selection in positions that provide experience and training leading to future assignments in other, more responsible positions. (410)

V

Veteran—A person entitled to preference under 5 USC 2108, including a spouse, widow, widower, or mother entitled to preference under the law. (211)

Voucher—In staffing terms, a formal inquiry to employers,

references, professors, and others who presumably know a job applicant well enough to describe job qualifications and personal character. (337)

W

Wage Employees—Those employees in trades, crafts, or labor occupations covered by the Federal Wage System, whose pay is fixed and adjusted periodically in accordance with prevailing rates. (532)

Within-Grade Increase—A salary increase provided in certain Government pay plans based upon time-in-grade and acceptable or satisfactory work performance. Also known as "periodic increase" or "step increase." (531)

OPM Contacts

This list of contacts in OPM offices throughout the United States is primarily intended to offer the Handbook *user another source from which to obtain additional information on material covered herein. (All phone numbers listed are FTS.)*

Office of Personnel Management

Central, Regional, and Area Offices Pertinent Handbook Reference Contacts

OPM Central Office, 1900 E. Street, N.W., Washington, D.C. 20415

General Counsel	632-4632
President's Management Improvement Council	632-6104
Office of Government Ethics	632-2792
Executive Personnel and Management	
Development Group (Associate Director)	632-5438
Federal Executive Institute	937-1295
Compensation Group (Associate Director)	632-4581
Compensation Division	632-5570
Retirement Programs	632-4581
Insurance Operations	632-9843
Medical Operations	632-5510
Agency Relations Group (Associate Director)	632-6108
Natural Resources, Energy, and Science	632-6868
Human Resources, Veterans, and Labor	632-4498
National Security, and International Affairs	632-4500
Economics and Government	632-6806
Agency Compliance and Evaluation	632-4408
Staffing Services Group (Associate Director)	632-6005
Staffing	632-6251
Standards	632-4516
Workforce Effectiveness and Development Group	
(Associate Director)	632-6200
Training Delivery	632-6802
Training Information and Resource Coordination	254-8431
Training Leadership	632-5684
Agency Assistance	632-5653
Consulting Services	632-5653
Productivity Programs	254-6940
Employee Health Services	254-6190
Incentive Awards	632-5563
Office of Labor-Management Relations	632-4468
Office of Intergovernmental Personnel Programs	632-6830
Office of Affirmative Employment Programs	
(Assistant Director)	632-4420
Outreach and Upward Mobility	632-6256
Federal Women's Program	632-7082
Hispanic Employment Program	632-6800
Selective Placement Program	632-4437
Veterans Employment Program	254-3058

OPM Regional and Area Offices

NEW ENGLAND REGION

(Connecticut, Maine, Vermont, Massachusetts, New Hampshire, Rhode Island)

John W. McCormack Post Office and Courthouse, Boston, MA 02109

Regional Director	223-2538
Deputy Regional Director	223-2538
Intergovernmental Personnel Programs Division	223-6835
Staffing Division	223-2548
Regional Training Center	223-2569
Affirmative Employment Program	223-6799
Labor Relations	223-2552
Occupational Health	223-6293

AREA OFFICES

CONNECTICUT	
Hartford; Federal Building, 450 Main Street, 06103	244-3058
MAINE	
Augusta; Federal Building, 04330	833-6261
MASSACHUSETTS	
Boston; 3 Center Plaza, 02108	223-6240
NEW HAMPSHIRE	
Portsmouth; Federal Post Office Building, 03801	834-0744
RHODE ISLAND	
Providence; Federal Post Office Building, Kennedy Plaza, 02903	838-4449
VERMONT	
Burlington; Federal Building, 05401	832-6282

EASTERN REGION

(New Jersey, Puerto Rico, New York, Virgin Islands)

New Federal Building, 26 Federal Plaza, New York, NY 10007

Regional Director	264-0440
Deputy Regional Director	264-0441
Intergovernmental Personnel Programs	264-4612
Staffing Division	264-9363
Regional Training Center	264-0460

Affirmative Employment Program 264-0468
Labor Relations 264-0467

OPM AREA REPRESENTATIVE

NEW YORK
Buffalo; Federal Office Building, 111 W. Huron Street,
Rm. 1116, 14202 437-4006

AREA OFFICES

NEW JERSEY
Newark; Peter W. Rodino, Jr. Federal Building,
970 Broad Street, 07102 341-2284

NEW YORK
New York City; 26 Federal Plaza, 10007 264-0433
Syracuse; U.S Courthouse and Federal Building,
100 S. Clinton Street, 13260 950-5650

PUERTO RICO
Federico Degetau Federal Office Building,
Carlos E. Chardon Street,
Hato Rey, P.R. 00918
(From Washington, D.C., call the Washington, D.C. FTS operator on 9-472-6620, then ask for 753-4620.)

(From other locations, call the Washington, D.C. FTS operator on 967-1221, then ask for 753-4620.)

MID-ATLANTIC REGION

(Delaware, Maryland, Pennsylvania, Virginia, West Virginia)

William J. Green. Jr. Federal Building, 600 Arch St., Philadelphia, PA 19106

Regional Director 597-4543
Deputy Regional Director 597-4544
Intergovernmental Personnel Programs Division 597-9125
Occupational Health 597-2335
Staffing Division 597-4431
Regional Training Center 597-7837
Affirmative Employment Program 597-7304
Labor Relations 597-7586
Veterans Federal Employment 597-4445

OPM AREA REPRESENTATIVE

PENNSYLVANIA
Harrisburg; 330 Federal Building, Post Office Box 636,
Federal Square Station, 17108 590-4546

AREA OFFICES

MARYLAND
Baltimore; Edward A. Garmantz Federal Building & Courthouse, 101 West Lombard Street 21201 — 922-2006

PENNSYLVANIA
Philadelphia; William J. Green, Jr. Federal Building, 600 Arch Street, 19106 — 597-7671

Pittsburgh; Federal Building, 1000 Liberty Avenue, 15222 — 722-2758

VIRGINIA
Norfolk; Federal Building, 200 Granby Mall, 23510 — 827-3371

SOUTHEAST REGION

(Alabama, Kentucky, Florida, North Carolina, South Carolina, Georgia, Mississippi, Tennessee)

75 Spring Street, S.W., Alanta, GA 30303

Regional Director 242-3459
Deputy Regional Director 242-3460
Intergovernmental Personnel Programs 242-3494
Staffing Division 242-3455
Regional Training Center 242-3488
Affirmative Employment Program 242-3500
Labor Relations 242-3486
Occupational Health 242-3505
Veterans Federal Employment 242-3455

OPM AREA REPRESENTATIVE

FLORIDA
Miami; 1000 Brickell Avenue, Suite 660, 33131 — 350-5189

AREA OFFICES

ALABAMA
Huntsville; Southerland Building, 806 Governors Drive, S.W., 35801 — 872-5050

FLORIDA
Orlando; Federal Building, 80 N. Hughey Avenue, 32801 — 820-6146

GEORGIA
Atlanta; Richard B. Russell Federal Building, 75 Spring Street, S.W., 30303 — 242-4588

KENTUCKY
Louisville; 600 Federal Place, 40202 — 352-5201

MISSISSIPPI
Jackson; Federal Office Building, 100 W. Capitol Street, 39201 — 490-4588

NORTH CAROLINA
Raleigh; 310 New Bern Avenue, 27601 — 672-4360

SOUTH CAROLINA
Charleston; Federal Office Building, 334 Meeting Street, 29403 — 677-4283

TENNESSEE
Memphis; 100 North Main Street, 38103 — 222-3958

GREAT LAKES REGION

(Illinois, Minnesota, Ohio, Michigan, Wisconsin, Indiana)

John Kluczynski Building, 230 South Dearborn Street, Chicago, IL 60604

Regional Director 353-2901
Deputy Regional Director 353-2900
Hispanic Employment Program 353-4256
Intergovernmental Personnel Programs Division 353-5262
Labor Relations 353-2969
Medical 353-2975
Occupational Health 353-0388
Regional Training Center 353-8688
Staffing Division 353-2930
Veterans Federal Employment 353-2920

OPM AREA REPRESENTATIVE

OHIO
Cleveland; 1240 East Ninth Street, Room 2969, 44199 — 293-4882

AREA OFFICES

ILLINOIS
Chicago; 219 S. Dearborn Street, 60604 — 353-5140

INDIANA
Indianapolis; U.S. Courthouse and Federal Building, 46 East Ohio Street, 46204 — 331-6686

MICHIGAN
Detroit;477 Michigan Avenue, Room 565, 48226 — 226-6953

MINNESOTA
Twin Cities; Federal Building, Room 196 Fort Snelling, 55111 — 725-4435

OHIO
Dayton; U.S. Courthouse and Federal Building, Room 507 200 W. 2nd Street, 45402 — 774-2859

WISCONSIN
Milwaukee; 161 W. Wisconsin Avenue, 53203 — 362-3061

MID-CONTINENT REGION

(Iowa, Missouri, Kansas, Nebraska)

1250 Federal Building, 1520 Market Street, St. Louis, MO 63103

Regional Director 279-4262
Deputy Regional Director 279-4621
Intergovernmental Personnel Programs Division 279-4941
Staffing Division 279-5866
Regional Training Center 279-4274
Affirmative Employment Program 279-4258
Occupational Health 279-4367
Labor Relations 279-4258

AREA OFFICES

KANSAS
Wichita; 120 South Market Street, 67202 — 752-6106

MISSOURI
Kansas City; 601 East 12th Street, 64106 — 758-5156
St. Louis; 1520 Market Street, 63103 — 279-4341

SOUTHWEST REGION

(Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

1100 Commerce Street, Dallas, TX 75242

Regional Director 729-8227
Deputy Regional Director 729-8227
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Deputy Regional Director 399-7356
Intergovernmental Personnel Programs 399-0464
Staffing Division 399-7426
Regional Training Center 399-1719
Affirmative Employment Program 399-5527
Labor Relations 399-0396

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Box 22, 98513 907-271-5821

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Director

Alan K. Campbell

Deputy Director

Jule M. Sugarman

Director, Office of Public Affairs

Robert L. Woodrum

Editor

John J. Scholzen

Editorial Production

Bob Flynn, Louise Gill, Betty Hauswirth, Ed Koenig, Joann Platter, Brenda Ashley Riggs

Chapter Authors

Barbara Arnelle, Ken Bates, Dick Brengel, Dwight Brown, Tom Campagna, Dave Dickenson, Cynthia Field, Lew Fischer, Sam Geiser, Neal Harwood, Doris Hausser, Larry Holman, John Joynt, Bob Keidel, Ed Koenig, Wilma Lehman, Priscilla Levinson, Roger Menke, Ruth O'Donnell, Teva Quammen, Walter Townsend, Millie Wright, John Zottoli

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